DOCUMENT RESUME

ED 368 248 HE 027 261

TITLE	Intercollegiate Sports (Part 2). Hearings before the Subcommittee on Commerce, Consumer Protection, and Competitiveness of the Committee on Energy and Commerce. House of Representatives, One Hundred Third Congress, First Session (June 23 and August 4, 1993).
INSTITUTION	Congress of the U.S., Washington, DC. House Committee on Energy and Commerce.
REPORT NO	ISBN-0-16-043530-7
PUB DATE	94
NOTE	151p.; Serial No. 103-58. For part 1, see ED 359 188.
AVAILABLE FROM	U.S. Government Printing Office, Superintendent of Documents, Congressional Sales Office, Washington, DC 20402.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC07 Plus Postage.
DESCRIPTORS	Athletes; Athletic Coaches; College Athletics; College Students; Court Litigation; Federal Regulation; Females; Hearings; Higher Education; High Schools; High School Students; Intercollegiate Cooperation; *Sex Discrimination; *Womens Athletics
IDENTIFIERS	Congress 103rd; Florida; *Title IX Education Amendments 1972

ABSTRACT

The House of Representatives Subcommittee on Commerce, Consumer Protection, and Competitiveness met to hear testimony on sex discrimination in secondary and college level athletic programs. The witnesses on the first panel were all current or former college students and plaintiffs in four recent and significant Title IX cases. Title IX was part of the Education Amendments Act of 1972 that put an end to sex discrimination in education, including sports. The witnesses were Rollin Haffer, a former student of Temple University (Pennsylvania); Jennifer Baldwin Cook, a former ice hockey player for Colgate University (New York); Amy Cohen, a gymnast, and Megan Hull, a volleyball player both from Brown University (Rhode Island); and Susan B. Kiechel, a former student at Auburn University (Alabama) and a soccer player. A question and answer session probed students' experiences with the Office of Civil Rights. A second panel of witnesses included Nancy Benda, director, Equal Educational Opportunity Program, Florida Department of Education; Ola Bundy, of the Illinois High School Association; Christine Pride, a senior at John F. Kennedy High School (Maryland); Dorothy Gaters, basketball coach at John Marshall High School (Illinois); and Wanda Oates, basketball coach at Ballou High School (District of Columbia). Additional testimony was submitted for the record by Betty Castor, Commissioner of Education of the Florida Department of Education. (JB)

HE

INTERCOLLEGIATE SPORTS
(Part 2)

ED 368 248

HEARINGS

BEFORE THE

SUBCOMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND
COMPETITIVENESS

OF THE

COMMITTEE ON
ENERGY AND COMMERCE
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

JUNE 23 AND AUGUST 4, 1993

Serial No. 103–58

Printed for the use of the Committee on Energy and Commerce

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U.S. GOVERNMENT PRINTING OFFICE
75-379CC WASHINGTON : 1994

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Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-043530-7

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INTERCOLLEGIATE SPORTS

WEDNESDAY, JUNE 23, 1993

House of Representatives,
Committee on Energy and Commerce,
Subcommittee on Commerce, Consumer Protection,
and Competitiveness,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room B-352, Rayburn House Office Building, Hon. Cardiss Collins (chairwoman) presiding.

Mrs. Collins. Good morning.

This hearing of the Energy and Commerce Subcommittee on Commerce, Consumer Protection and Competitiveness will come to order.

Today, we continue with the subcommittee's investigation of gender equity in college sports with a distinguished panel of current and former student athletes who have set landmark precedents in the courts to end sex discrimination. Twenty-one years ago, Congress passed Title IX of the Education Amendments Act to put an end to sex discrimination in education, including sports. Yet as our previous hearings have shown, discrimination continues.

If we were here today to discuss classroom education and we heard stories about how all the young men in the class received free books, pencils, and notebooks, and even all of the seats, while the young women had to buy their own supplies, and stand in the back of the room, you could be sure we would hear protests.

So, in the context of an educational experience, why should women's athletic needs be disregarded by so many? We know that our Nation's colleges and universities continue to provide men with more than twice the funding of women in categories ranging from scholarships, recruitment, and operating expenses. Despite the fact that women represent about 50 percent of the enrollment on campuses, participation rates are one-third or less at most schools.

There is plenty of blame to go around. Colleges continue to refuse to come to terms with the requirements of Title IX. The National Collegiate Athletic Association refuses to adopt enforceable rules to ensure gender equity. The Office for Civil Rights under the past two administrations failed to enforce the law.

As a result, young women, angered by this blatant sex discrimination have been pursuing their rights in court. They have been largely successful. Thank goodness.

The witnesses at today's hearing were all plaintiffs in four of the most significant Title IX cases. These courageous women will tell how deeply their lives have been affected by discrimination. They will add a human dimension to all the numbers that have been already cited. In reviewing their testimony, I was struck by several things. First, the students attempted all reasonable remedies with their schools before resorting to the courts, but they were constantly thwarted by their schools and the Office for Civil Rights. Second, their requests were extremely modest when compared to the school's entire athletic budgets. For example, while the men's hockey team at Colgate received over $300,000, the women were asking for just $16,000, which was just $4,000 more than the men's team stick budget.

Third, their requests clearly show that there is indeed a true interest in women at colleges to participate in athletics, and that need is not being effectively accommodated, as the law requires. Finally, I was deeply impressed by the courage that each of these students showed, taking on their own institutions, and were often subjected to all kinds of abuse.

Although the courts may be providing women athletes with their best hopes of achieving their rights, the use of the courts does have its limitations. The mere length of time required for lawsuits may deny the students their rights.

Jennifer Cook, who sought to have women's ice hockey upgraded from a club sport to a team sport, saw her lawsuit dismissed when the court found the case moot, because she would have graduated by the time a remedy could be in place. Susan Kiechel, whose settlement produced a women's soccer team for this fall, has used up her NCAA eligibility. In fact, what makes these women stand out from others who have fought to end discrimination is that almost inevitably the remedy that they sought comes only after they have graduated, so only those who follow in their footsteps can benefit from their efforts.

I have introduced a bill, H.R. 921, and we all know by now that is Title IX, 21 years later, to require schools to report on their progress toward gender equity. This will help students, as well as the Office for Civil Rights, see each school's record on gender equity. This information could significantly reduce the costs and time delays in proving bias in order to achieve appropriate relief. As the testimony shows, the costs and time involved in proving discrimination can be a strong deterrent to bringing a lawsuit.

I am pleased to have such a distinguished panel of young women, who have been trailblazers in asserting the rights of women student-athletes to achieve gender equity. They have made major sacrifices so that others will have the opportunities which they have been denied.

Mr. Stearns.

Mr. STEARNS. Thank you, Madam Chairwoman, and I want to compliment you on having this hearing.

Today's hearing is the third in a series on the topic of gender equity in collegiate athletics. In past hearings we have heard some very disturbing reports of sexual discrimination. The witnesses testifying today will describe past instances of discrimination at universities from Rhode Island to Alabama.

What makes today's witnesses different from those we have previously heard from is that these individuals are the actual victims of unequal distribution of resources in college athletic programs.

What differentiates them even further is that they have had the courage to file lawsuits to rectify the inequities that they perceived in their universities' athletic programs.

All the women before us chose to proceed under Title IX because they felt they had no other options, and litigation was the only way to make their respective universities respond. In the future, universities should first take the initiative so as to eliminate the need for this kind of litigation.

That is why I am encouraged by the work undertaken by the National Collegiate Athletic Association's Gender Equity Task Force. This task force is making progress towards implementing a gender equity policy for the members of the NCAA. The NCAA Gender Equity Task Force is currently circulating a draft report and specific recommendations on a consistent definition of gender equity and ways that the NCAA can assist its member institutions in providing adequate opportunities and resources for its female student athletes.

While this preliminary report is only a first step, it is an important first step. Everyone may not be happy with the pace that the NCAA has set for itself, but they are making progress, and we must take note of that in our consideration on this issue.

Keeping this in mind, I look forward to hearing from our witnesses today, and I am sure that their testimony will be enlightening and will assist the subcommittee in its continuing examination of this problem.

Thank you, Madam Chairwoman.

Mrs. COLLINS. Ms. Haffer, I would like you to begin with your testimony at this time, please.

STATEMENTS OF FORMER STUDENT ATHLETES: ROLLIN HAFFER (TEMPLE UNIVERSITY); JENNIFER BALDWIN COOK (COLGATE UNIVERSITY); AMY COHEN AND MEGAN HULL (BROWN UNIVERSITY); AND SUSAN BRADBURY KIECHEL (AUBURN UNIVERSITY)

Ms. HAFFER. Good morning. I am Rollin Haffer. I was asked to testify today because of my personal involvement in the Haffer v. Temple University lawsuit.

Back in 1980, the female student athletes charged Temple University with illegally conducting a sex discriminatory intercollegiate athletic program in violation of Title IX. The case came about because our internal attempts to end the discrimination proved useless. It was clear that the only way we could improve the situation was to apply direct pressure and sue Temple for discrimination.

Shortly after arriving at the university, it became apparent how far-reaching the discrimination was. As president of the Student Athlete Council, I was in a position to learn firsthand that the inequities were common to all the female athletes. At monthly council meetings the athletes discussed at length how each and every act of discrimination was a painful reminder that we were regarded as second-class citizens. I knew what the athletes' pain felt like because I, too, experienced it on a daily basis.

I understood their rage at being repeatedly abandoned during treatments by the athletic trainers to attend to male athletes. I understood their frustration when they had to take a 7 hour van ride while the men flew to compete at the same location on the same day. I knew firsthand how deeply the pain of gender inequity went because, like my peers, it cut to the very core of who I was, leaving me feeling unimportant and inadequate.

I cannot begin to tell you how much I and the other female athletes resented having to always hurdle the barriers of sex discrimination prior to participating. The mental and emotional strain of these inequities elicited rage and frustration, rage at being treated as inferior and frustration at our inability to compete on a fair playing field.

Unfortunately, the pain didn't end there. As the named plaintiff in this case, I learned all too quickly how initiating change brought with it its own agony. I was harassed because I believed in a cause and was willing to fight for gender equality. I was outwardly labeled an "enemy" and "trouble maker" by professors and other faculty members. I was the brunt of rude and demeaning comments, and was scorned by some individuals I had come to respect. I was the target of a new rule the university wanted to implement forbidding in-season athletes to student teach, as well as the victim of a sick joke by the football team as they completely surrounded me one day as I ran in the arena. These are just a few examples of the inequities and repercussions I dealt with during our case, but I welcome the opportunity to tell you about others.

In 1980, we thought Title IX would open up the world to us. Unfortunately, the power and promises of this statue did not bring us the opportunities we deserved. Title IX was intended to guarantee gender equality and give women the chance to excel free of the barriers that continues to stand in their way. Enforcement of Title IX is so far overdue that it should be an embarrassment to this country. Women find themselves with no recourse but to sue to vindicate their cause, yet few women have the resources necessary to do so.

The Haffer case is a testimony that gender inequity will not be tolerated and that discrimination can and will end when the law is upheld. In 1980, we turned to the National Women's Law Center, and later to Trial Lawyers for Public Justice for help and guidance so that we could reap the fullest protection of the law.

Our 8 long years in court resolved the long-standing problems of discrimination at Temple University, and undoubtedly contributed to the broader goal of gender equality in significant ways. But clearly, our presence here today is proof that the Office for Civil Rights has failed miserably in its responsibility to ensure gender equality through Title IX.

I sit before you today, 13 years after the Haffer case was filed, with a panel of young women of this country who would still be struggling the same way we did in 1980. The reality is that they are because gender inequity continues to rage out of control.

Today, young parents are experiencing much earlier the painful lesson that their daughters are not being afforded the same opportunities that their sons are. Appallingly, sex discrimination has not ended, and girls and women continue to be denied access and opportunities. By now, these horrifying and distressful stories should not be repeating themselves, but tragically they are.

Certainly the purpose of Title IX is clear. What isn't is why the girls and women of this country have to continue to fight as I did, when gender equality was declared an undisputed right in 1972. That question remains unanswered, and only the Office for Civil Rights can answer it. I hope it finally does.

Thank you.

Mrs. COLLINS. Thank you.

Our next witness is Ms. Jennifer Cook. Ms. Cook, you may give your statement at this time.

STATEMENT OF JENNIFER BALDWIN COOK

Ms. COOK. Thank you.

Madam Chairwoman and members of the subcommittee, thank you for the privilege of speaking before you today. I hope that my experience as an ice hockey player and a plaintiff in a case, *Cook et al* v. *Colgate University,* will help shed new light on the issue of gender discrimination within collegiate athletic programs.

1998 will see women's ice hockey as a medal sport in the Olympic games, and the U.S. National Team, having placed second in the last two world championships, will be a strong contender for the gold. In 1991, the first female goal tender was drafted by the all-male National Hockey League and is now playing for one of its teams, the Tampa Bay Lightning.

At present, almost 10,000 women and girls are playing ice hockey in this country, from California to here in the District of Columbia. Across the Nation, women's ice hockey is coming into its own, but not in Hamilton, New York.

Hamilton is home to Colgate University, a small private college that many years ago was known for its nationally ranked football team. Now Colgate is known for its two hockey teams, a men's varsity team that made it all the way to the 1990 NCAA finals and a women's club team that sued the university for gender discrimination the same year.

I was a member of the Colgate women's ice hockey club and I was one of the first to mention the word "lawsuit" when the club's 1988 proposal for varsity status efforts were denied by the university. Why did we sue? We had no other choice.

Since the club's inception in 1973, members of the women's club submitted four varsity status proposals to Colgate's Committee on Athletics, a 10-person panel comprised of professors, athletic administrators, and one or two nonvoting students. Four times this proposal was denied.

On September 29, 1992, a Federal magistrate judge found that Colgate University's treatment of its women's ice hockey team violated the regulations promulgated under Title IX, the Federal law that prohibits discrimination on the basis of gender. According to the magistrate judge, these four denials constituted acts of discrimination and he, therefore, ordered Colgate to elevate the women's ice hockey team to varsity status by the 1993-1994 season.

An illustration of how differently the university treated its respective men's and women's ice hockey teams will explain why Colgate's actions were found to be discriminatory.

Although the men's team was a Division I varsity program and the women's program was a club, both teams played between 23 and 30 games, depending on the success of their season and competed against many of the same schools. Members of the women's team were required to purchase their own skates, sticks, gloves, mouth guards and tape, including the cost of having our skates sharpened and the club's dues fee of $25. The average amount each female spent on these items was $400. The rest of our equipment, shin pads, elbow pads, chest protectors, pants and helmets consisted of the men's team's hand-me-downs from 1984.

Because this equipment was in disrepair and therefore unsafe, many of the female players, like myself, had to purchase their own equipment at personal expense. The 28 female hockey players were assigned a 20 square foot locker room which during the first and last month's shared with female members of two other teams.

We practiced 4 days a week between the hours of 7:30 and 9 p.m., unless the men's team had a game or needed extra practice time. In fact, our practice time ranked in priority behind the men's team and the town teams, and on more than one occasion we were told our home game needed to be rescheduled to accommodate one of these teams.

When the club traveled, the team had to lease the university-owned vans at an average of $375 per trip or drive in team members cars. During most trips, we stayed in relatives' houses and paid for our own meals unless our budget allowed for hotels and team meals.

As president of the club, I was responsible for devising our game schedule, corresponding with all alumni and prospective applicants, making all travel arrangements, soliciting student referees for all home games and overseeing our budget. Each season 2 or 3 student members would coach the team and were paid an average of $400. A Colgate student trainer volunteered his services to us at no charge during my stay at Colgate.

In contrast, upon each new player's arrival to the varsity team, the male varsity team, all equipment, from mouth guards to a new pair of skates, was purchased by the university. No male player was expected to purchase his own equipment, and, in fact, many of the male players made money by selling their university-issued skates to friends and keeping their old ones. On road trips, members of the ice hockey team were transported by commercial bus, stayed in high priced hotels, and received a daily $30 allowance for meals, the remainder of which each player spent at his discretion.

NCAA-sanctioned referees officiated the men's home games, at which university-printed programs were sold by nondressing teammates, and steak dinners were served to all players the afternoon before the game. And they practiced 6 days a week between the hours of 2 p.m. and 5 p.m. and were given class scheduling priority by the university to accommodate their practice time. The men were situated in a large, three-room locker room with individual lockers and personal directors chairs, and another locker room was reserved for visiting alumni and friends of the team and could not be used by anybody else.

One of the adjoining rooms housed the men's skate sharpening machine which only the men's team could use free of charge, which is why the women's club had to pay them to sharpen their skates.

Twenty-one of the 22 male players received NCAA scholarships which totaled close to $400,000. Many were allowed to bypass the essay portion of their application for admission to Colgate and the Colgate admissions department reserved at least 10 admission spots for male ice hockey players every year.

The men's team had three full-time coaches and two trainers whose salaries were outside of the team's operating budget, and the athletic department's staff, consisting of the athletic director and two associate athletic directors, constructed the men's game schedule and made all travel arrangements and oversaw the budget.

In 1990, my senior year, both the men's and women's team played in their respective national championships. Both teams lost in the finals. That academic year, the total budget provided by Colgate University to the women's team was about $4,000; the men's team received over $300,000.

I see I am out of time so I would ask respectively that my written testimony be placed in the record and I would answer any questions for you.

[The prepared statement of Ms. Cook follows:]

STATEMENT OF JENNIFER BALDWIN COOK

Madam Chairwoman and Members of the Subcommittee, thank you for your kind invitation to appear before you today. My name is Jennifer Cook. As an ice hockey player before, during and after my college years, I hope that my experience as a plaintiff in *Cook, et al.* v. *Colgate University*, will shed light on how women athletes are treated at the collegiate level.

On September 29, 1992, a Federal Magistrate Judge found that Colgate University's treatment of its women's ice hockey team violated the regulations promulgated under Title IX, the Federal law that prohibits discrimination on the basis of gender. On four separate occasions in the Women's Ice Hockey Club's 15 year history, a varsity status proposal was denied by Colgate University administrators. According to the Magistrate Judge, these denials constituted acts of discrimination and he therefore ordered Colgate to elevate the women's ice hockey team to a varsity by the 1993-1994 season.

An illustration of how differently the University treated its respective men's and women's ice hockey teams will explain why Colgate's actions were found to be discriminatory. Although the men's team was a Division I varsity program, and the women's program was a club, both teams played between 23 and 30 games, depending on the success of their season, and competed against many of the same schools: Yale, Princeton, Cornell, and the University of Vermont, to name a few.

Members of the women's team were required to purchase their own skates, sticks, gloves, mouthguards and tape. Including the cost of having our skates sharpened and the Club dues fee of $25.00, the average amount each female player spent on these items was $400. The rest of our equipment (shins pads, elbow pads, chest protectors, pants and helmets) consisted of the men's team's hand-me-downs. Because this equipment was in disrepair and therefore unsafe, many of the female players had to purchase their own equipment at personal expense. In the spring of my freshman year, the Club did order new team jerseys, game socks and ten helmets, using funds from an alumni donation.

The 28 female hockey players were assigned a twenty square foot locker room which, during the first and last months of the season, we shared with female members of two other teams. We practiced 4 days a week between the hours of 7:30 and 9 p.m., unless the men's team had a game or needed extra practice time; in fact, our practice time ranked in priority behind the men's team and the town teams, and on more than one occasion we were told our home game needed to be rescheduled to accommodate these teams. When the Club travelled, the team had to lease the University-owned vans at an average of $375 per trip or drive in team members' cars. During most trips we stayed in relatives' houses and paid for our own meals, unless the budget allowed for hotels and team meals.

As President of the Club, I was responsible for devising our game schedule, corresponding with all alumni and prospective applicants, making all travel arrangements, soliciting student referees for all home games, and overseeing our budget.

Each season, two or three students would coach the team and were paid an average of $400 a season. During my 4 years at Colgate a student trainer volunteered his services to us at no charge.

In contrast, upon each new male player's arrival to the varsity team, all equipment, from mouthguards to a new pair of skates, was provided by the University. No male player was expected to purchase his own equipment and, in fact, many of the male players made money by selling their University-issued skates to friends and keeping their old ones. On roadtrips the members of the men's ice hockey team were transported by commercial bus, stayed in high-priced hotels (such as Boston's Copley Plaza), and received a daily $30 allowance for meals, the remainder of which each player spent at his discretion.

NCAA-sanctioned referees officiated the men's home games, at which University-printed programs were sold by non-dressing teammates, and steak dinners were served to all players the afternoon before the game. The men practiced 6 days a week between the hours of 2 and 5 p.m., and were given class scheduling priority by the University to accommodate practice time. The men were situated in a large, three-room locker room with individual lockers and personal directors chairs, and another locker room was reserved for visiting alumni and friends of the team. One of these adjoining rooms housed the men's skate sharpening machine, which the men's team, and only the men's team, could use free of charge.

All of the male players were recruited. Twenty one of the twenty-two male players received NCAA scholarships, a total of $400,000, and many were allowed to bypass the essay portion of their application for admission to Colgate. The Colgate Admissions Department reserved at least ten admissions spots for male ice hockey players every year.

The men's team had three full-time coaches and two trainers whose salaries were outside the team's operating budget. The Athletic Department staff, consisting of the Athletic Director and the two Associate Athletic Directors, constructed and the men's game schedule, made all travel arrangements, and oversaw the budget.

In 1990, my senior year, both the men's and women's teams played in their respective national championship; both teams lost in the finals. That academic year, sticks to championships, the total budget provided by Colgate University to the women's team was about $4,000. The men's team received over $300,000.

These discrepancies, although revealing, were not what prompted my teammates and me to seek legal action. Rather, it was the systematic refusal to consider improving the women's program did.

In order to request any elevation in status or funding at Colgate University, a club team had to submit a proposal to the University's Committee on Athletics. This ten person committee was primarily composed of professors and athletic administrators. At no time during those years that the Women's Club presented their four proposals were there more than two students, who had no voting power, or two women on this committee. For our 1988 varsity status proposal, my teammates and I submitted a 29-page report which provided the basis for our presentation to the committee. In preparation for this proposal, I had met with the coaches of other varsity women's teams, had constructed and sent out a survey to every female collegiate and high school ice hockey team, and had researched the financial impact of a new varsity team on the University's training room, laundry rooms and storage facilities. My proposal contained a sample varsity game schedule, set forth according to league rules; a study of female recruiting pools in the Northeast, Canada and the Midwest, from where most of the Colgate student body came; testimonials from varsity women's coaches in support of our varsity status request; and, a delineated budget of $16,000. Despite the fact our deadline was moved up by 2 weeks unexpectedly, my teammates and I submitted what we believed was a strong proposal.

However, the facts contained in the proposal were never considered by members of the committee. At the time of the presentation, only a handful of members indicated that they had read the proposal and one committee member stated, "I better get comfortable; this one puts me to sleep." The few questions that were asked were either discussed at length in one of the twenty sections of the proposal, or related to the present functions of the team. Further, the letter of denial received by the committee paraphrased a memo given to the 1986 presenters that, in turn, was a rewrite of the memo given to the 1983 presenters.

In its letter denying the Club's 1988 proposal, the Committee on Athletics claimed that our $16,000 figure was too expensive. That same year the committee voted to increase the men's team's stick budget to $12,000.

At trial, two Committee on Athletics members testified that they had never seen a game of the Women's Ice Hockey Club. Further, when asked by the Magistrate Judge, the Director of Athletics stated that he had seen the women's team play for only one-half hour during his 15 year tenure at Colgate, and felt it was sufficient time with which to deny varsity status. None of the testifying committee members had seen a collegiate varsity women's ice hockey team play, and all were unaware that two championships were offered to women by the Eastern Collegiate Athletic Conference, a league within the NCAA and of which the Colgate men's team was a member. None of these administrators were aware that the Colgate women's teams played against other varsity women's team, and had beaten two of them during the 1989-1990 season.

I believe *Cook* v. *Colgate* highlights two crucial needs: (1) the need to education our Nation's college administrators on the regulations of Title IX; and, (2) the need to enforce those regulations.

The roots of gender discrimination are planted in the attitudes of those running our colleges. From the enactment of Title IX to the threat of this trial, Colgate's administrators never believed that their treatment of the women's ice hockey program constituted discrimination. In order to properly serve their students, college officials need to be educated on the regulations of Title IX. Furthermore, although the decision in *Cook* v. *Colgate* provided in words the equity the women's ice hockey team was denied, Colgate will not have to elevate our team to varsity. Immediately after the lower court decision was handed down, Colgate appealed the verdict and while waiting the outcome, took no steps to institute a varsity program for the women's team per the Court's order. In April of this year, the U.S. Court of Appeals for the Second Circuit vacated the Magistrate Judge's order on grounds of mootness, as the last two plaintiffs of the case would have graduated by the 1993-1994 season. Although our attorneys have filed a motion to amend the complaint and four new plaintiffs are ready to refile another suit, for now enforcement of Title IX remains lacking for the Colgate Women's Ice Hockey Club.

Madam Chairwoman and Members of the Subcommittee, education and enforcement will make Title IX a realization for future women athletes. The subcommittee's commitment to examining the issue of gender equity has been evidenced through this and previous hearings on the subject, and provides the needed public attention to the issue of gender discrimination. In addition, the enactment of equity-seeking legislation, such as Chairwoman Collin's bill H.R. 921, will strengthen the effect of Title IX. However more needs to be done. The Department of Education's Office of Civil Rights should be more effective in researching and acting upon complaints of gender discrimination. Colleges and universities should be notified of gender-equity requirements they need to satisfy in order to continue receiving Federal funding.

As Colgate University continues to deny its female ice hockey players a chance to broaden their level of competition, the sport of women's ice hockey continues to grow in the United States. 1998 will see the introduction of women's ice hockey as a medal sport in the Olympic Games and the U.S. women's team, having placed second in the past two International Championships, will be a strong contender for the gold. With full enforcement of Title IX, a little girl's dream of playing for her country, a Nation which boasts of equal opportunity for all, will be just as realistic as her brother's.

Madam Chairwoman and members of the subcommittee, I thank you for the opportunity to speak on the issue of gender discrimination, and will be happy to answer any questions you may have.

Mrs. COLLINS. Let me say all testimony will be a part of the written record for everybody.

That bell, because I forgot to mention before, but of course you are aware of it, is that we follow the House Rules here in that the testimony and the questions are asked, we follow the 5-minute rule. So when the bell goes off, that means your 5 minutes has expired. It means our 5 minutes have expired, too. Sometimes we run over but we try not to. We sometimes go another round but we try to go as close to the 5-minute rule.

We will join the next two witnesses together and they will be Ms. Amy Cohen and Ms. Megan Hull, both from Brown University.

Ms. Cohen, do you want to go first?

STATEMENT OF AMY COHEN

Ms. COHEN. Gymnastics is a sport you have to have a lifetime commitment to. You cannot pick it up in a year or even in 4 years.

I began seriously competing in gymnastics at the age of eight, training 3 hours a day, 5 days a week. College was my last opportunity to compete as a gymnast so it was extremely important to me. The gymnastics program was one of the main reasons I chose to go to Brown University.

As a prospective student, I was led to believe Brown was a progressive institution, a front runner on issues dealing with equality, diversity, and open-minded thinking. Yet, within the first few months of my freshman year it became evident to me that there was nothing progressive or equal about the athletic department. Male athletes were treated far superior to female athletes.

At the time I didn't know there was a Federal statute prohibiting unequal treatment so I accepted it as life and took what was offered to me. I overlooked the countless disparities. I was competing, that is what was truly important to me.

We were a successful team. My sophomore year we won the Ivy League Championships for the first time ever. Gymnastics was an integral part of my life. Then at the end of my junior year, completely out of the blue, the athletic director announced Brown was doing away with the gymnastics team. He had made up his mind, the decision was final.

He blamed budget cuts, but if you look on page 7 and 8 of my written statement, you can see the funds were clearly available.

Eliminating the gymnastics and volleyball teams were to save Brown $62,000. The same year, a men's soccer coach was given an early retirement plan that cost the university $60,000. My frustration and disappointment when I learned of this and similar facts is inexpressible. Brown had recruited me, and in doing so, led me to believe that I would be able to compete for 4 years. This decision left me feeling completely betrayed.

We were told if we could raise enough money, we could continue as a club varsity team with everything as it had been. So I devoted my summer to the cause, but when I returned in the fall I found things were substantially different. We had no recruiting privileges or access to the training room. We were told to leave our locker room, to schedule home games around all other sports, the list goes on and on.

We were coldly turned away from all attempts to speak with any administrators. Once again, I felt totally betrayed. It was at this point that I learned about Title IX. I realized my struggle was not just about the gymnastics team but that Brown was violating a Federal statute and getting away with it.

We didn't want to sue the university. We hoped Brown would rather spend money on increasing the amount and quality of the opportunities for women athletes than on attorney fees but this was not the case.

With the guidance of Trial Lawyers for Public Justice, we filed the suit. Brown immediately came out with a variety of vague and misleading statements and slanted statistics, some of which can be found on pages 6 and 7 of my written statement. They fairly effectively isolated us by convincing the students, faculty and alumni that Brown was doing nothing wrong. One of Brown's main defenses was that they were above the national average in offering opportunities to women athletes. Can we condone a defense which admits guilt but on a lesser scale?

It also became known at the preliminarily injunction hearings that neither the athletic director, Brown's Title IX advisor, or any of the people the athletic director consulted in his decisionmaking process, had ever read Title IX.

On December 22, 1992, U.S. District Court Judge Raymond Pettina ruled in our favor only days before the start of the gymnastics season and not too late to recruit for the following year. Just as our hope was renewed, the U.S. Appeals Court granted a stay of the decision. Five months later, the appeals court unanimously upheld the district court's ruling requiring Brown to temporarily reinstate both teams, but by then our recruiting time and season had come and gone.

I have been away from Brown for a year now but I feel as strongly as ever that they were and continue to be denying women their rights. My experiences as a gymnast were some of my most valuable experiences at Brown. In this short time I could not possibly speak about the benefits of being a collegiate athlete, but I will say it gave me self-confidence, taught me to take risks, and that hard work and determination pay off.

Brown is presently depriving women of the invaluable experience of participating in intercollegiate athletics that it offers to men. Time is of the essence in this case because once someone misses their chance, it is gone forever.

Currently, the gymnastics team is struggling, schools are dropping Brown from their schedule, their recruited graduates are graduating and being replaced, if at all, by walk-ons who are not of the same skill level or intensity.

I hope that the gymnastics team is able to survive this long, uphill battle, but if it cannot I hope at least that future women athletes in other sports and in other schools will reap the benefits of my hard work and suffering.

Being invited here today gives me hope that the government has not forgotten what it promised women 20 years ago, equality. In the 5 minutes that I have here before you, I could not touch on the issues that surround this case so I urge you to read my written statement in its entirety, and I will welcome any questions that you have.

Mrs. COLLINS. Thank you.

[The prepared statement of Ms. Cohen follows:]

STATEMENT OF AMY COHEN

Fall 1988 - Came to Brown: When I got to Brown there were 15 women's teams and 16 men's teams. The ratio of female to male athletes was approximately 37 percent female to 63 percent male. Upon arriving, I immediately noticed disparities in the treatment of male and female athletes.

Trainers: Each trainer at Brown was assigned to a particular sport for each season. There were five head trainers (plus additional trainers in the fall for JV football and freshmen football). Generally three of the trainers were assigned to men's sports and two to women's sports so in total 11 men's teams had their own trainer and as did six women's teams. Trainers traveled with the teams they were assigned to. If a team was not assigned a trainer, one did not travel with them. Each trainer tended to his/her team first and then to who ever else was waiting. They knew which of "their players" were injured; they sat up therapy for them; and they monitored the healing process. We had to see a different trainer each time. Gymnastics was not one of the six women's sports with a trainer. Being such a dangerous sport, this posed a lot of problems. Generally, we had to wait so long to see one that we would miss an entire practice. Trainers did not monitor our injuries and their healing progress. Several members of the gymnastics team sustained permanent back, knee and ankle injuries that may have been prevented had someone with training been monitoring them.

Laundry: Brown supplied practice clothes on a pin for most of the men's teams and some of the women's teams. At the end of practice you would put your clothes on the pin. Someone picked up all of the pins from the locker rooms, washed them and returned them for the next day. When I arrived at Brown the gymnastics team was not offered the pin service. I inquired why. Nobody knew, but nobody knew a reason why we could not get them either so after a few months of speaking with administrators and athletic department staff we received pins. I was amazed that the pins supplied for the gymnastics team contained men's extra large shorts and t-shirts and jumbo tube socks. When I tried to exchange the clothes for women's clothing and smaller sizes I was told this was what they had. All of the clothes were ordered for the football team. We could take them or leave them.

Recruiting: Recruiting was the other thing that jumped out at me as soon as I arrived at Brown. I was not aware at the time that male sports get approximately 73-80 percent of the recruiting dollars but I did see that when the guys on my hall hosted recruits, the recruits were flown up at Brown's expense. The hosts were given meal tickets for the recruits and $50 to take them out and show them a "good time". When we hosted a recruit they paid their own way from start to finish including for their meals in the cafeteria. I later learned that had no official recruiting budget. Our coach generally took $200 out of the yearly allotted budget for phone calls and mailings to potential Brown gymnasts.

Scheduling: Women's gym time was always scheduled after and therefore around the men's. If men's rugby wants the field, women's rugby was asked to find an available field at a nearby high school or middle school. In the case of women's varsity ice hockey, they had to schedule their ice time after men's varsity and junior varsity. The gymnastics team was asked to schedule its meets around the practice and playing schedule of men's basketball and the match schedule of wrestling.

Other privileges of men's teams: several men's teams had special pre-game dinners prepared for them in the cafeteria. Women's teams did not enjoy this privilege. Men's teams generally go to an away game one day in advance so that they can rest and prepare. Women's budgets are rarely large enough to allow going up the day before unless it is otherwise impossible to get there in time for the game.

As a freshman, I knew that women athletes were not treated like men athletes but I did not know there was a law that said this was not acceptable. I thought, things are unfair but there is nothing I can do about it so I should just make the best of what I have.

Winter 1990 - Ivy Champs 1st time ever: In 1990 we hosted the Ivy League Gymnastics championships at Brown. We won the Ivy League title for the first time in Brown Gymnastics' History. And freshmen, Eileen Rocchio was the first Brown gymnast to win the Ivy League Individual All-Around title.

Spring 1991 - Meeting with Dave Roach: Just after the season ended we were called into a meeting with the Athletic Director, Dave Roach. He informed us that he had been ordered to reduce the athletic budget by 3 percent as part of a university wide budget reduction. Because he refused to cut perks and "water down big programs" he had no choice but to eliminate four teams—women's gymnastics, women's volleyball, men's golf and men's water polo. This came as a total surprise to all of the coaches in the athletic department, as well as us. We asked Dave Roach why he did not tell us earlier, when something different could possibly have been done. His answer was simply, this was the decision; it was final: there would be no discussion of other options. Each team could try and operate as a club Sport if it wished to. This meant we could operate without the funding and support of Brown.

The Athletic Director gave us two reasons for choosing the four teams. (1) Those teams had the fewest coaches (For gymnastics this was a catch 22 situation. We had 4 coaches but Brown only recognized one and she was only hired part time. The other coaches were paid out of our general budget and therefore were not included in the coaches affected count. (2) To comply with Title IX they were cutting teams that did not have an opposite sex counterpart. (Dave Roach later admitted that neither he nor the two individuals he consulted with had read Title IX.) He also said he was cutting two men's and two women's teams to be fair.

Cutting two mens teams and two women's teams mat have been an equitable way to make cuts had Brown been in compliance with Title IX before the cuts but they were not. The student body at Brown is 49 percent female 51 percent male but only 36 percent of the athletes were female while 64 percent were male. 32 percent of the yearly allocated budget went towards women's sports which 68 percent went towards men's. This percentage does not include endowment funds. The men's endowment funds are much larger because of the sixteen funded varsity teams for men that presently exist, all but three were established prior to 1927 (football, baseball and track were established prior to 1880) while Brown's varsity program for women did not even exist before 1971. Men's teams have been building an alumni network and piling money into their endowments for 50-100 years longer than the women.

Prior to the cuts, Brown offered more opportunities to men in athletics, they treated the male athletes better than the women, they spent considerably more time and money recruiting male athletes to come to Brown and they spent more money on them once they were there. Before the cuts Brown was not offering anything close to equal opportunity to men and women in athletics. There were women at Brown who were demonstrating the interest and ability to participate in varsity athletics (fencing, rugby, water polo and sailing) and Brown was not making any real steps to increase the opportunities for women athletes. Being in the situation they were in, if cutting teams was absolutely necessary, a debatable issue, Brown could not legally cut from the women's program. But they did.

Fall 1991- Struggle to fundraise $15,000: From the time we met with Dave Roach in April of 1991, we struggled to raise enough money to pay our assistant coaches and to travel to meets. We also had to battle with the institution for the few rights and privileges we had had as a varsity sport. As a club sport we had no clerical support, had to schedule meets around all varsity sports and then only on week nights so that our equipment could be moved during regular hours. We could not recruit at all. We were told if we were injured, we would have to go across campus and make an appointment at Health Services and get a note from them to be treated by the athletic trainers.

Schools like the University of Vermont and University of Southern Utah dropped us from their schedule. Eileen Rocchio qualified for NCAA Regionals but the team did not have enough money left in the budget for her to go. If we had been a varsity team, Brown would have covered the costs. They pay for individuals who qualify for NCAA championships.

The volleyball team obtained several large donations from parents of players. They offered to pay their new coach $18,000 a year. Dave Roach prohibited this saying that such a salary was too high for the "direction that the team was going in."

We knew that we would not be able to raise enough money to exist each year, that gymnasts would not come to Brown not only because we did not have recruiting privileges and admissions preferences but because we could not even guarantee to them there would be a team from year to year, and that even if we could guarantee funds for a team, the University would not be on our side. We considered filing a complaint with the Office of Civil Rights but decided against it. We were concerned that the Office of Civil Right whether due to its backlog or lack of commitment, could not undertake and complete an investigation in time to have the teams.

April 1992 - Filed Suit: Because we saw no other option, and Brown was clearly in violation of a Federal Statute, we threatened to sue. Hoping that being forced to spend money one way or the other, Brown would rather increase the amount and quality of the opportunities for women athletes and bring themselves—loser to compliance with the law, than hire attorneys and go to court. We were wrong.

The court system is so slow that the gymnastics and volleyball teams would have been long extinct by the time a trial was held so we filed a Motion for a Preliminary Injunction, asking that the two teams be reinstated until the case came to trial. Judge Pettina ruled on the likelihood that we would win the case on its merits and because if the preliminary injunction was not granted, irreparable harm would come to the teams, Brown had to reinstate Volleyball and Gymnastics until a decision was rendered in trial. Judge Pettina's decision came out on December 22, 1992, a week before the season began and with enough time to recruit for next year.

Unfortunately, Brown appealed the decision and the U.S. Appeals court granted a stay on the decision.

April 1993 - Won Appeal: On April 16, 1993, the U.S. Court of Appeals ruled unanimously to uphold the decision of the District court but by this time the 1992-93 season had come and gone, as had recruiting time.

Present - Await Trial: As we await a trial (scheduled for November 1993) I watch the present gymnasts and volleyball players tire of the struggle. I watch the number of gymnasts and volleyball players dwindle as current gymnasts graduate and there are no new recruited gymnasts. The assistant coaches have come and gone and the head coach, founder of the team looks for new employment due to the uncertainty of the job. School after school drops Brown from their schedule. Although legally we are winning, the gymnastics team is slowly losing strength.

Brown's Weak Defenses and Misleading Facts: Nationally 53 percent of college students are women and only 34 percent of athletes are women. Brown is above the national average. Likewise nationally women athletes receive less than 24 percent of the athletics operating dollar and less than 18 percent of the athletic recruiting dollar while Brown says women receive 28 percent of the operating budget and 21.8 percent of recruiting dollars. This is one of Brown's main defenses; they are better than most other colleges. I do not see this as a valid defense. If they were above average in preventing date rape yet date rape was still a problem on the campus would that mean that they are fine, that they do not need to make changes and improvements because other schools have a larger date rape problem? I don't think so.

Brown argues that it is just by chance that 63 percent of the athletes that matriculate at Brown are male and that there is nothing they can do about that. They try to say that recruiting does not determine who becomes an athlete at Brown. If this is the case then why do they continue to spend millions of dollars and hundreds of hours on recruiting athletes. If recruiting is not affective and you have a budget crisis why do you eliminate teams, why not eliminate recruiting. Brown spent over $70,000 recruiting football players in 1990-91 alone. In that year, our team spent approximately $200. Obviously, Brown agrees that recruiting is affective. John Parry, Brown's athletic director for 11 years prior to Dave Roach, testified at the preliminary injunction hearing that he believed, only 10 percent of the athletes admitted to Brown would have been admitted if they had not been recruited. By recruiting, Brown creates its own pool of interested and able athletes. Once this is admitted it seems hard to deny the fact that if you spend 75-80 percent of recruiting dollars on recruiting male athletes that you will wind up with more male athletes than female athletes. In fact it is surprising that Brown has as many women athletes as it does.

I came to Brown because it portrays an image as a university above and ahead of the rest, not only in academia but in thought, policy and administrative ideas. I came to Brown under the impression that it was a front runner on issues dealing with equality, diversity and open-minded thinking. I left Brown, my graduation theme so mockingly being the Celebration of 100 Years of Women, knowing that Brown is treating women as second class citizens in the athletic department and arrogantly defending the fact that they are doing it. I realized that Brown still has a long way to run before it is even up to par with the legal System. I do not know how much longer it will be before Brown realizes that you cannot balance a budget by discriminating against women.

Brown says they are strongly committed to offering equal opportunities to men and women in athletics but they cannot increase the opportunities for women presently because they have so many economic difficulties. In light of all of the information given here, I find it hard to accept this excuse.

Brown claims even after the reductions they offer more Division I sports than all but 1 of the 292 DI schools but they don't mention that they only fund 22 of their 33 sports. The other ten sports are clubs. Even though they compete at the NCAA Division I level they are funded, managed and supported by the students. Brown offers them only its name, limited facilities and restricted gym time. Brown has done all it can to eliminate these teams. It is the students, through hard work and determination that have managed to hold the teams together and keep them going. If you look at the number of sports funded and supported by Brown their record among other Division I universities is greatly reduced.

Brown tries to lead people to believe that football, basketball and hockey bring in money and thats why they are "more important." No sport at Brown produces revenue. In 1990-91, Football brought in (including what was produced that year from their endowment) $409,659 but that went directly back to football along with an additional $871,000.

Brown reports that in 1990-91 $81,532 (78.2 percent) was spent on recruiting male athletes while $22,737 (21.8 percent) was spent on recruiting female athletes. This statistic is definitely misleading. Its hard to know the exact figures because at Brown a lot of money spent comes directly from team's friends accounts and Sports Foundation donations. For example, after this other money is included, in 1990-91, a total of $78,000 was spent on football recruiting.

Disturbing Facts Brown Leaves Out: Brown controls the relative percentage of male/female athletes by recruiting, admissions preferences, number of teams it offers, size it strives to keep those teams at.

Brown believes the cut is fair because it affects two men's teams and two women's teams but even if Brown had been in compliance before the cuts it was not an even cut. The cut took $15,295 away from the men's budget while it took $62,028 away from the significantly smaller women's budget. Both the coaches of the women's teams were otherwise employed at Brown so they were going to stay on while the coaches of the women's teams were losing their jobs. Brown does not seek or retain coaches for its club teams.

In an attempt to encourage schools to offer as many sports as possible, NCAA awards approximately $7,000 per sport over twelve to all schools that offer more than twelve Division I sports teams. Brown testified in court that they included both gymnastics and volleyball on the list of sports offered that they submitted to the NCAA (therefore receiving an additional $14,000) for 1991-92 and 1992-93 but did not contribute any funds to those sports for those years.

Virtually all of the womens varsity teams sponsored by Brown were created between 1971 and 1977. The only women's team added since 1977 was Winter track in 1982, which simply involved providing indoor space to the existing women's track team. Brown twice specifically rejected the request of women's fencing for varsity status, first in 1986 and again in 1990. Brown approved the establishment of men's squash as a varsity sport, in 1989.

The same year that the athletic director claimed he was in a financial straight jacket and had to cut our teams he (1) raised the amount of meal money that athletes received on away trips from $15/day to $22/day so that it would be an amount comparable with big football schools, explaining to us that otherwise good players would not come to Brown. If you assume that each team has 5 away matches each year (Many teams such as baseball, lacrosse, and tennis have many more) this increase will cost Brown an additional $30,905 annually. (2) bought out the men's soccer coach's contract 1 year before it expired, for $80,000 (the cutting of all four teams was supposed to save $77,000 (3) the Brown Sports Foundation had $139,000 available in unrestricted for the year, of which it spent $77,500 at the discretion of the Sports Foundation's president (a Brown football alumni). The remaining $62,000 went unspent and was carried over to the 1992-93 unrestricted funds.

In 1989-90 Brown bought out the contracts of all 14 football coaches (this is the third time in 9 years that Brown had done this) for $250,000, an unbudgeted expense.

Yet, despite all of this spending, Brown claimed it had no choice, the money was not there.

Brown expresses anger at the law suit, claiming it forces the administration to put athletics at the top of the list of things to focus on. Yet, while President Gregorian has not spoken about the case or made an appearance at any of the court hearings, he has recently established and is chairing a football committee to discuss why football continues to lose games. Brown has a record of 1 win and 19 losses for the past two seasons. The Director of Admissions, the Executive Vice-President, the Dean of Admissions and Financial Aid and members of the Corporation also sit on this committee. To me this shows that athletics is one of the highest institutional priorities at Brown, it is women that are at the bottom and we are trying to force our way to the top.

The Ways that Brown Supports Mens Sports More than Women's—Obvious Recruiting and Financial Differences:

In 1990-91, coaches of the sixteen men's teams received $932,227 in salaries while coaches of fifteen women's teams received $360,862 in salaries.

In the 4 years that I was at Brown there was not a single promotional activity run by the athletic department for a women's team. An example of continuous promotional activities for men is the shoot out contest for kids at half time of each men's hockey game, sponsored by Pizza Pier. In 1991-92, Dave Roach received two tickets to Florida from US Air to give away. He decided as a promotional device to have a foul shooting contest at a men's basketball game to attract more fans. He scoffed at the idea of doing it at the women's game. At another point that same year, he had the idea to have pizza parties in between men's ice hockey and men's basketball games so that people would stay for both.

Sports information automatically covers men's hockey, men's basketball, women's basketball, baseball, football, men's lacrosse, men's soccer, and wrestling. The remaining sports have to make arrangements for coverage and pay for it out of their general budget.

The Athletic Director meets with the captains of many of the men's teams to evaluate the coaches and discuss ways to improve the teams. This is not done for women's teams.

The Athletic Director and his associates attend not only the home games of the men's sports (which is a positive thing) but they frequently travel with the teams, at Brown's expense. Dave Roach did not attend a single gymnastics meet the entire time I was at Brown.

A woman working for the Sports Information office was told by Jeff Ward, an associate athletic director, to "get the bad sticks, the women's sticks", to use for the promotional shoot out during half time of the men's hockey game.

In 1990, no women's teams had a car available to them for recruiting; football had six, men's basketball had three, men's lacrosse and men's ice hockey each had one. Since then, one car has been made available for women's basketball.

Ways That Money Continues to be Wasted: At the end of this year the head of the Sports Foundation took all of the senior football players to an expensive dinner compliments of the sports foundation.

At the captains meetings the Athletic Director orders pizzas and soda (enough to feed three times the people coming) even though the meetings are held right after dinner.

Brown pays for housing, food and cars for four of the fourteen football coaches.

Brown pays students to manage men's teams. For example, men's lacrosse has two managers, each paid $250 per season. Wrestling has three managers. These managers travel, with the teams having their hotel rooms, meals and when necessary, plane tickets, paid for by Brown.

At the sports banquet in 1991-92 (the first year that the four teams were unfunded) President Gregorian announced that he was starting a tradition; for the first time ever Brown would buy the ivy rings for all the members of the teams that won the Ivy League championship that year.

John Parry, the ex-athletic director at Brown, testified that half of the $150,000 spent by the Sports Information office could probably be eliminated. He felt that certainly gloss press guides are less important than participation.

Brown probably could have endowed both volleyball and gymnastics permanently with the money spent on attorneys for the preliminary injunction hearing and appeal. Attorney fees for the actual trial will be even larger. In Judge Pettina's decision in the preliminary injunction hearing, he stated that one of the central reasons for granting the Preliminary Injunction was that the plaintiffs are likely to win the case on it merits. Knowing this, it would make economic sense for Brown to settle.

Mrs. COLLINS. Ms. Hull.

STATEMENT OF MEGAN HULL

Ms. HULL. Good morning. I would like to thank the members of the subcommittee for inviting me to speak to you today.

My conflict with Brown began in May of 1991 when after being recruited to play volleyball and agreeing to come to Brown, I received a letter from the athletic director informing me the women's volleyball team had been cut. I could not believe out of the dozen schools I had initially considered attending I had managed to pick the one that decided to drop their program and had decided to do so without telling any of their incoming recruits.

Assured by the players, coaches and the athletic director that Brown volleyball would continue to exist at the same competitive level, I convinced myself things would work out. I told myself the worst possible scenario would be that I would transfer. After 2 years at Brown, I am transferring.

When I first arrived at Brown in August of 1991, two things were immediately clear to me. First, there were a lot more male athletes than female; second, the male athletes were treated better. As I spent more time at Brown, I began to realize that many of the injustices we were experiencing were not solely a result of our club varsity status, but that our gender was a crucial factor in determining how we were to be treated.

For the time being, I accepted the injustices, thinking there was nothing I could do to change the situation. Our team feared if we spoke out we might not be allowed to play at all.

Our decision to take action came in the spring of 1992, after we found out none of the volleyball recruits had been admitted for the following year. It was at this point we realized no matter how much money we raised, Brown ultimately had the power to eliminate our program.

Earlier that spring, my father had sent me an article from Sports Illustrated about the Title IX situation at the University of New Hampshire where the women's tennis program had recently been reinstated after the players threatened the school with a lawsuit.

We contacted Trial Lawyers for Public Justice who had been the legal counsel for the team at New Hampshire and soon I joined two other volleyball and seven gymnasts in filing the class action suit against Brown. We filed the suit, hoping Brown would acknowledge their violations of Title IX and offer a plan to improve women's athletics. Instead, Brown offered nothing and they refused to negotiate.

That fall, in October of 1992, a hearing was held to determine whether or not the teams would be varsity until the lawsuit is settled. The school newspaper covered the hearing with articles not only biased towards the university but also factually incorrect. Unfortunately, this paper was the only source of information about Title IX or the lawsuit to which most Brown students were exposed. The result was many students came out and verbally attacked the plaintiffs.

This perpetually hostile atmosphere is one of the reasons I am leaving Brown. I am tired of defending myself on a daily basis. I am tired of being in a battle with the athletic department, the admissions office and the entire administration. This lawsuit has completely consumed my life at Brown. I am going to Georgetown University next year so that I will have the opportunity to be a student and an athlete without being a plaintiff.

My main reason for leaving, though, is that I want to play volleyball for a program that will challenge me. At Brown, the athletic department has destroyed the volleyball program by refusing to give us admission preferences. Next year there will be four recruited volleyball players while most have a bare minimum of 12.

In closing, I would like to leave you with a couple of examples of inequity which represents the Brown athletic department. First, I am wondering how a school which has the funds to spend an unanticipated $250,000 to buy out one of 13 football coaches could not somehow find the money to send the first Brown gymnast to qualify in 10 years to the 1992 NCAA regionals in Pennsylvania.

Our second example is an incident occurring in August of 1992. Our team wanted to give our coach a raise because she had told us she might have to leave to take a better paying coaching job. Although the money from the raise would come solely from the volleyball account, all of which was money we had worked hard to raise, our athletic director refused our proposal, insisting he did not want the program going in that direction. If the athletic director did not want the program to be improving, in what direction does he want it to be heading?

Although I became involved in this lawsuit because I felt that I was being discriminated against as an individual and as part of the team, I have stayed involved because I know when we win our case it will be a great precedent for women fighting for gender equity at other schools. Hopefully the Brown case will help convince universities that they should accept the law rather than fight against it.

Right now there is no effective enforcement of Title IX other than the legal system. Women should not have to go through what I have gone through in order to have the law enforced. I hope Congress will continue to become more involved in the enforcement of Title IX so that gender equity might finally become a reality at the many institutions where women are being unjustly excluded from the opportunities they clearly deserve.

[The prepared statement of Ms. Hull follows:]

STATEMENT OF MEGAN HULL

I am one of nine plaintiffs who have sued Brown University for discriminating against female athletes and violating the Federal statute Title IX. I am submitting this testimony in an attempt to explain why I have become involved with this lawsuit and why I think the Brown case is indicative of the problems with the present method of enforcing Title IX in college athletics.

The roots of my conflict with Brown began on April 29, 1991, when I heard through the parent of a friend at Brown that the women's volleyball program had been cut. At that point I had already decided to go to Brown after visiting the campus on a recruiting trip earlier in the year.

The written agreement to go to Brown was due May 1st, so I had approximately 24 hours to reconsider my decision. I was lucky to be one of the few recruits who had any chance to reconsider because the athletic department did not notify us until after we had made written agreements to attend Brown. Although I had options other than Brown; I was not familiar enough with any of these schools to feel comfortable in changing my decision at the last minute. So on April 30, when I heard from my friend on the team at Brown that the program would definitely continue to exist, I decided to stick with my earlier decision. I told myself that the worst possible scenario would be that I would transfer. I spent 2 years at Brown and my experience as an athlete there has truly redefined what I had then envisioned as the worst possible scenario. I'm transferring.

When I arrived at Brown in the fall of 1991, it quickly became apparent that the athletic department had no intention of treating us like varsity athletes. It was also apparent that there were vast differences in the way female and male athletes were treated. In the 2 years I stayed at Brown, our team faced a wide variety of problems that most varsity athletes never have to think about. First and foremost, we had to worry about fundraising—we needed to raise roughly $30,000 in order to have a team. But there were also a variety of other difficulties. For instance we did not have access to the training rooms. Our coach did not have an office. We practiced at weird hours—if we practiced at Brown at all. Many days we drove to a local high school gym either because the floors were being redone during our active time or because we did not want to have practices that ended at twelve-thirty at night.

Because of our practice schedule we missed meals and then were not allowed into the dining hall late while other varsity athletes were eating. There were not enough uniforms for the whole team. We were not allowed to have tournaments at home and often we could not afford to travel to tournaments at other schools. Sometimes we voted after away matches to see if we wanted to spend the money to eat before the trip back to Brown. These are just a tow of the minor challenges we faced.

Although our team was angered by the way in which we were being treated, we felt that if we spoke out against the athletic department, we might not be allowed to practice or play at all. Our decision to take action came in April of 1992, when we found out that none of the volleyball recruits had been admitted for the 1992-1993 schoolyear. It was at this point that we realized no matter how much money we raised, Brown ultimately had the power to eliminate our program. Earlier that spring, my father had sent me an article from Sports Illustrated about the Title IX case at University of New Hampshire. We contacted Trial Lawyers For Public Justice who had been the legal counsel for the women at University of New Hampshire, and soon I joined two other volleyball players and seven gymnasts in filing a class action suit against Brown.

This lawsuit has turned out very differently than we initially expected. We were hoping that Brown would react to the lawsuit with an offer to settle. In looking at the three pronged test stated in the official Policy Interpretation, it seemed very clear to us that Brown was not in compliance with Title IX. Consequently, we have been somewhat surprised by Brown's determination to fight it out in court.

In May of 1992, I went home for the summer hoping that Brown would decide to settle before I returned to school in the fall. Unfortunately the legal conflict escalated rather than disappearing. In October, a hearing was held in order to determine whether or not we would be granted an injunction reinstating the teams to varsity status until the lawsuit is settled. It was during this hearing that I experienced my first taste of what it is like to be a student and an athlete and a plaintiff all at the same time. It is incredibly time demanding: I was constantly running literally between my classes the courthouse my room, and the gym.

To make things worse, while the hearing was going on, the school newspaper was providing not list biased, but factually inaccurate coverage of the hearing. Unfortunately, this paper was the only source of information about the hearing or the lawsuit or Title IX to which most Brown students were exposed. The result was that many students came out and verbally attacked the plaintiffs. One day I was reading the school paper and I flipped to the sports section only to see a huge article by the sports editor entitled "Now do you sleep at night?". I knew from the title that it had to be directed at all of the plaintiffs. It turned out to be only the first of several columns aimed at us. I wrote a response to the first column and then realized that I did not have enough time or energy to write to the Brown Daily Herald every day to correct the paper's inaccuracies and to defend my position.

This perpetually hostile atmosphere which has developed at Brown is one of the reasons I have decided to leave. I am tired of defending myself on a daily basis. I am tired of being in a constant battle with the athletic department, the admissions office and the entire administration. This lawsuit has completely saturated my life at Brown. I am going to Georgetown next year so that I will have the opportunity to be a student and an athlete without being a plaintiff. While this lawsuit and the greater cause of gender equity are immensely important to me, I need to be in an environment where I can concentrate on school and athletics.

My main reason for leaving though, is that I want a chance to play volleyball. In the last 2 years, the athletic department has completely destroyed the volleyball program. Next year, Brown will have four recruited players while the teams we play have a bare minimum of twelve. Two years ago we were in the finals of the Ivy League Championships, whereas next year there won't be enough recruited players to put six people on the court. I want to be part of a program that will challenge me, at a school where the volleyball team has the support of the athletic department and the students.

Over the past 2 years, I have learned that finances are not Brown's major concern in determining how they will treat female athletes. Brown has decided to limit the number of opportunities for women and to treat women athletes in an inferior manner not because of financial limitations, but rather because, apparently they do not think women athletes are as worthy as men. I have witnessed numerous instances when women have been treated unfairly, and it was not a financial issue. For instance, when the cuts were first discussed, the athletic director and his associates know that the cuts would not affect both sexes equally. During the preliminary hearing, one of the associate athletic directors testified that in making the cuts, it was assumed that the women's programs would not survive in the coming years, whereas it was expected that the men's teams would be able to continue competing. This assumption was made because significantly less money was cut from the men's teams and the two men's teams would have greater departmental and alumni support after the cuts. Despite knowing that the cuts would be a much greater problem for the women's teams, the athletic department went ahead and made them anyway and called them equal. In September we found that we were the only team not to be included on the schedule of fall sports.

Another disturbing example of the athletic department's attitude toward female athletes occurred in August of 1992, when the team's budget for the 1992-1993 season was being finalized. (Because the money to run our team goes through the Brown Sports Foundation, the athletic director has to approve our budget.) Our team wanted to raise the salary of our coach who had told us that she might have to leave to take a better-paying coaching job. Although the money for this raise would come solely from the volleyball account which was our money, that we had worked hard to raise, the athletic director refused our proposal, insisting he did not want the program headed in that direction. If he did not want our program to be improving, in what direction did he want the program to be heading?

Later that month we were told that we could not host the Ivy League Volleyball Championships, a privilege which each Ivy League school has only once every 8 years. The athletic department did not want us to host the tournament, so that the basketball team would not have to share the gym with us that weekend.

It quickly became clear that the athletic department had no intention of supporting us in any way. When we suggested resolving the conflict by having our team become an unfunded varsity team (similar to the men's squash team which is varsity but provides its own funding), the athletic director refused. The athletic department refused to compromise with us at all, maintaining the attitude that we should appreciate their kindness in letting our teams continue to exist at the club-varsity level.

Another issue which has been indicative of Brown's attitude towards our program has been Brown's treatment of our difficulties in recruiting new players. In the fall of 1992, I testified that Brown's team would not have enough players to compete at the varsity level, because Brown refused to admit any of our recruits. I was confronted on cross examination by Brown's counsel, telling me that Brown had let in 250 applicants who had chocked a box indicating interest in volleyball. Interest and ability are two very different things. In the last year and a half, we have been told by the athletic director, the dean of admissions, and the president of the University that we should replace the graduating athletes with walk-ons, despite the fact that every team we play all year consists of recruited players. Former Brown athletic director John Parry testified that only 10 percent of the varsity athletes would have been admitted without admissions preferences. The football team or the men's basketball team would never, ever be told to play with walk-ons. I could not believe that Brown was trying to tell us that recruiting is insignificant in a year when the football team spent $24,000 on phone calls alone.

After we won the appeal in mid-April, and it was definite that our teams would be varsity for the 1993-94 schoolyear, I was expecting Brown to take immediate steps to comply with the decision. We hoped that the athletic department and the deans in admissions would reconsider the applications of our recruits, so I immediately tried to arrange meetings with the dean of admissions and with the athletic director. I was told by the athletic director's assistant that we could not meet until Brown had decided what their next legal steps would be. The dean of admissions canceled the meeting with members of the two teams without any explanation, and when I called to reschedule, he never returned my phone calls. When I finally got through to an associate dean in the athletic department, he asked why I thought I deserved to have a conversation with the athletic director or anyone in the admissions department. I was tired of being ignored or condescended to by the people in the admission's department, so I wrote a letter to the president reminding him of the desperate nature of the team's predicaments and asking him to do something to help our recruiting situation. I received a note in response indicating that the decision was ultimately in the hands of the admissions department and that if we did not have recruits, we could always play with walk-ons.

It became clear to me that Brown was not concerned at all about being in compliance with the injunction. Although my last 6 weeks at Brown as a varsity athlete, I am leaving Brown without having ever seen the inside of a varsity locker room or a laundry pin. I never had the opportunity to wear a varsity athlete's sweats or to play in a match as a varsity volleyball player.

Ten years down the road maybe I will not remember missing out on these privileges reserved for varsity athletes, but what I will never forget is the way in which I was treated as a female athlete and as a plaintiff in this lawsuit. What I wanted most was to be treated with decency and respect and that never happened. I think that is because at Brown the differences between the men's and women's athletic programs are a lot deeper than finances.

Although I became involved with this lawsuit because I felt I was being discriminated against as an individual, and I wanted to save our team, I have stayed involved because I know that when we win our case, it will be a great precedent for other schools. I am hoping that our fight will teach other schools that they should accept the law rather than struggling against it.

If possible, I also want to help change the way in which discrimination in college athletics is handled. I want people to know about the *Cohen* v. *Brown* case so that there will be a better way to deal with Title IX violations in the future. Women should not have to go through years of legal battle to have the law enforced. Most women don't even have this option. There are countless women who experience discrimination resulting from Title IX violations, but have no power to change the situation. Many people, including athletic administrators, do not even know that this discrimination is illegal. If Congress were to take over the enforcement of Title IX, gender equity might finally become a reality at the thousands of schools where women athletes are being unjustly excluded from the opportunities they clearly deserve.

Mrs. COLLINS. Our next witness is Mrs. Susan Kiechel.

STATEMENT OF SUSAN BRADBURY KIECHEL

Mrs. KIECHEL. I am Susan Bradbury Kiechel. I am a 1992 Auburn graduate, also the lead plaintiff in a class action suit against Auburn University under Title IX and the 14th Amendment. During the last 12 months, I have experienced firsthand the challenges and hurdles of every avenue available for women who are seeking the rights guaranteed them under Title IX. The lack of accessible assistance available to these women is the reason I am here today.

The life of my case began as an internal request within the university. I spent the last 3 months of my senior year, June to August 1992, attempting to resolve the Title IX situation within my university. I was specifically seeking the addition of a women's varsity women's soccer team. A simple surface examination of the university's Title IX situation showed the addition of a soccer team was not only desirable, but a must.

After these internal attempts failed, I escalated the claim by filing an Office for Civil Rights complaint on October 10, 1992. The university responded with delay tactics in providing OCR with the appropriate information and with verbal discouragement. The OCR granted several extensions to the university and did not enforce deadlines for things that were due.

In March of this year, it became apparent that OCR was dragging its feet, and I was forced into hiring lawyers and taking a more confrontational course of action. On April 14, 1993, 17 current students and I filed a class action suit against Auburn. I am the lead plaintiff in that suit. On May 21 of this year, OCR finally produced a letter of finding. Auburn was found in noncompliance with Title IX, but they were told they did not have to add a women's varsity soccer team until 1994, and no other provisions were put on that statement.

OCR's finding was inadequate and did not sufficiently protect my civil rights. Giving a university 2 years after a complaint is filed to comply with the law they had been breaking for 20 years is not protecting my rights.

We continued discovery and depositions of the athletic department. This course of action ultimately led to a favorable settlement on May 28, 1993. My settlement includes a varsity team for the fall of 1993, scholarships beginning in 1993, attorneys' fees and expenses of $160,000 to cover the plaintiffs. None of these things were included in OCR's finding; no scholarships, no team.

I began my quest for protection of my civil rights last year. Since that time, I have had many highs and lows. I was hopeful and naive in my belief that OCR would fairly, quickly and efficiently protect my rights.

In the last year I have listened to the doubters and those who were afraid I would ruin my life by publicly taking on a major university in the South. I have tolerated those who have verbally attacked me for standing up for my rights. I have witnessed the misinformation and assumptions about my reasons for pursuing this case. I have experienced the difficulties in getting true budgetary numbers out of a university concerning its athletic program. I put myself financially on the line by retaining lawyers and became liable for court costs. I risked my financial, and some people had feared my physical, security to fight for what I believed in in the deep South.

What I have not done is go away. I continue to fight until the rights of the players of the club team are protected. It is difficult to fight when information concerning the university's athletic programs is so hard to obtain. During the last year, I was only able to find one document that listed any athletic budgets. This budget was not specific enough or exact and in the end it was not correct.

The other pertinent Title IX budget information was retrieved through the discovery and deposition process of the courts. Most of this has not come to light because of our settlement.

My recent Title IX settlement produced a new varsity women's soccer team in the fall of 1993 at a major southeastern university. That was our main goal. I am happy the women still in that college will have this opportunity. I am saddened I was forced to retain lawyers to have Title IX upheld, instead of the OCR doing its job and requiring the addition of the team in 1993.

I have a deep sorrow for the fact that all my NCAA eligibility is gone. No new team or amount of damages can replace the fact that I was denied the opportunity to play varsity soccer in college. It saddens me I was forced to choose between my education and my athletics. I should have been able to have both. I was a true student athlete until I was denied that right to be a varsity athlete.

The memories of playing unfunded soccer in college will always be with me. As an athlete, many of these memories are good; however, playing and being injured on an unsafe field has left me the distant memory of an ankle that used to work correctly, one that probably will never work correctly again. You cannot give me back my ankle or eligibility, but what this body can do is help women from ending up in my situation.

My case is unique because of the fact we added a team instead of trying to get a deleted team put on. It is also unique because we received money for our damages, our damages for the loss of opportunity and scholarships. That money cannot replace the varsity's loss of play time at our university. It won't give it back and it cannot replace it. We are not unique in the fact we went through every possible process to get Title IX enforced.

My settlement was announced at the SEC conference meeting. The SEC announced they had Title IX problems in all of their schools. Instead of doing something about it, they decided to study the problem until 1995. How can a SEC conference admit they have a problem and then expect women to be happy that they are going to spend the next 2 years studying without even possibly taking action?

Women need the help of this body to make schools comply. We are not asking for things to change but asking for Title IX to be enforced.

Over the past year, I have experienced many things. I began and ended with the same simple thought of having my civil rights under Title IX upheld. I didn't want to bring down the athletic department or start a media blitz. I just wanted the opportunities guaranteed to me by law. I wanted an equal chance to participate in varsity college athletics. I have been a varsity athlete all of my life. It was and is beyond my conceptual realm that in today's colleges women are being denied the right of participating just because of their sex.

Title IX was enacted over 20 years ago. Title IX doesn't need to be changed, it simply needs to be enforced, and I ask this body to help women get the enforcement that is required.

Thank you.

[The prepared statement of Mrs. Kiechel follows:]

STATEMENT OF SUSAN BRADBURY KIECHEL

Good morning, Madam Chairwoman, Distinguished Members of the Subcommittee on Commerce, Consumer Protection, and Competitiveness: I am Susan Bradbury Kiechal. I am a 1992 Auburn graduate. I am the lead plaintiff in a class action suit against Auburn University under Title IX and the 14th Amendment. During the last 12 months, I have experienced first-hand the challenges and hurdles of every avenue available for women who are seeking the rights guaranteed them under Title IX. The lack of accessible assistance available to these women is the reason I am here today.

The life of my case began as an internal request within the university. I spent the last 3 months of my senior year (June-August 1992) attempting to resolve the Title IX situation within my university. I was specifically seeking the addition of varsity women's soccer. This was not the first request for soccer as a new women's varsity sport. The women's club soccer team, which had existed for over 7 years and included dozens of athletes, had made several attempts to add womens soccer to the athletic program. Each request was denied, claiming there was not adequate interest in the sport to support the team and a lack of available funding.

It should be noted that the female club soccer players paid all their own expenses, including uniforms, equipment, away game expenses (hotel rooms, transportation, food, etc.), officials, chalk for lining the field, gatorade, and anything else needed to keep the team together. This was not a "hodge-podge" set of girls having fun, but a team of serious soccer players. The 1992-1993 club team included four All-State players and one All-European player.

During my internal requests to add women's varsity soccer, I pointed out the strength of the existing female club soccer team. I also pointed out that the university may be out of compliance with Title IX. A simple surface examination of the university's Title IX situation showed the addition of a soccer team was not only desirable, but a must.

After these internal attempts failed, I escalated the claim by filing an office of Civil Rights (OCR) complaint on October 10, 1992. I was informed, in writing, that "OCR's procedures for processing complaints require that OCR complete its investigation within 135 days after receipt of the complete complaint." The university responded with delay tactics in providing OCR with the appropriate information and with verbal discouragement. The OCR granted several extensions to the university. Due to the desire for the addition of a team for Fall, 1993, time was of critical importance. The last extension letter that I received from OCR stated my case would be completed on or before April 13, 1993. (According to OCR's procedures, the investigation should have ended in February.)

OCR is in charge of Title IX enforcement. I naively believed filing an OCR complaint was the best way to have my civil rights upheld. I simply wanted Title IX to be enforced. In an effort to have the investigation go quickly and smoothly, I constantly checked with OCR to ensure that I, as well as the women's club team, had provided all the information they needed. I even made numerous trips to the university to provide additional information about the current club team and overall desire for a women's varsity soccer team. During one of these trips, I spent 4 days collecting 1,384 signatures on a petition that stated: "As a female Auburn University student, I want the opportunity to participate in varsity women's soccer." This petition was given to OCR and university officials. The purpose was to again show the massive interest within the student body of having women's soccer as a new varsity sport. The university made it clear that all of my efforts had changed nothing. In March 1993, it became apparent that OCR was dragging its feet. I was forced into hiring lawyers and taking a more confrontational course of action.

On April 14, 1993, 17 female current students and I filed a class action lawsuit against Auburn University. I am the lead plaintiff. Over the next few weeks our attorneys worked vigorously to accomplish things within the court setting. A preliminary injunction hearing was scheduled for July 19, 1993. This hearing was requesting an injunction forcing Auburn to have women's varsity soccer this fall. We also began discovery and depositions of Auburn Athletic Department officials.

On May 21, 1993 OCR finally produced a letter of finding. Auburn was found in non-compliance with Title IX, but they were told they did not have to add a women's varsity soccer team until 1994.

OCR's finding was inadequate and did not sufficiently protect my civil rights. Giving a university 2 years after a complaint is filed to comply with a 20 year old law is not protecting the rights of the complainant. We continued discovery and depositions. This course of action ultimately led to a favorable settlement on May 28, 1993. This settlement included the introduction of a varsity women's soccer team in the fall of 1993, scholarships for the players of the team beginning in 1993, attorneys' fees and expenses of $80,000, and $60,000 in damages to cover all 18 plaintiffs and two other class members.

Twelve months ago, I felt Auburn had denied my civil rights and that it would never change. I felt OCR would protect my rights. In the end, Auburn grudgingly did what was right and OCR left me unprotected. Auburn's decision to add varsity soccer for women in 1993 is a strong progressive step on their part. Auburn's settlement agreement will help the women of Auburn, as well as the university as a whole. I can honestly say that the new women's soccer team at Auburn will be funded on a first-rate scale.

I began my quest for protection of my civil rights last year. Since that time, I have had many highs and lows. I was hopeful and naive in my belief that OCR would fairly, quickly, and efficiently protect my rights. In the last year, I have listened to the doubters. I have listened to those who were afraid that I would ruin my life publicly taking on a major university. I have tolerated those who have verbally attacked me for standing up for my rights. I have witnessed the misinformation and assumptions about my reasons for pursuing this case. I did one press release on my own and one with the aid of lawyers. I have experienced the difficulties in getting true budgetary numbers out of universities concerning athletics. I put myself financially on the line by retaining attorneys and becoming liable for court costs. I risked my financial and some people feared my physical security to fight for what I believed was right.

What I haven't done is gone away. I continued to fight until the rights of the players of the club soccer team were protected. It is difficult to fight when information concerning the university's athletic programs is so hard to obtain. During the last year, I was only able to find one document that listed any athletic budgets. This budget was not specific enough or exact. The other pertinent Title IX budget information was retrieved through the discovery and deposition process. Some of it never came to light due to the settlement halting the process.

Women should not have to go to court to see documented evidence about athletic spending. Congresswoman's Collins "Gender in Athletics Disclosure Act" would have greatly assisted in my process of gathering information. The numbers and statistics I needed would have been accessible to the general public. "Gender in Athletics Disclosure Act" does not change Title IX. It helps with the enforcement of Title IX. Disclosure would help women who simply don't have the resources to go to court. It would keep universities from claiming Title IX numbers that were completely false. It would make the process of seeking compliance much easier because the facts will be open for all sides to see.

Athletics are a part of education, because they have educational benefits such as learning team work, learning how to win and lose, teaching self-esteem, respect for the rules, and confidence. Athletics play a vital role in the educational process. Title IX requires women be given the opportunity to reap these educational benefits. Denying women these opportunities hurts the women, but it also hurts society as a whole. Title IX must be enforced in junior high schools, high schools, and colleges.

My recent Title IX settlement produced a new varsity women's soccer team for Fall 1993 at a major southeastern university with a record of success at the top levels of varsity sports. That was my main goal. I am happy that the women who are still in college have this new opportunity. I am saddened that I was forced to retain lawyers to have Title IX upheld, instead of OCR requiring the addition of a team in 1993. I have a deep sorrow for the fact that all my NCAA eligibility is gone. No new team or amount of damages can replace the fact that I was denied the opportunity to play varsity soccer in college. It saddens me that I was forced to choose between my education and my athletics. I should have been able to have both. I was a true student-athlete until I was denied the right to be a varsity athlete. The memories of playing non-funded soccer in college will always be with me. As an athlete, many of these memories are good; however, playing and being injured on an unsafe field has left me the distant memory of an ankle that used to work correctly—one that probably never will again. You can't give me back my ankle or my eligibility, but you can help other women from ending up the way I did.

My case is unique because I sought and did have a new team added at a big sports-focused university. I was not fighting over a team that was being eliminated. It is also unique because we received money for our damages. The damages were for loss of opportunity and lost scholarships. In my case, I lost all of my opportunity to play varsity soccer in college. Damage money won't give it back, nor can it replace it.

My case is not unique in the fact that I had to go through every possible legal recourse to receive enforcement of Title IX. OCR is not protecting the rights of women. If things don't change, this country is going to see a great deal more Title IX lawsuits.

My settlement was announced at the SEC conference meeting. The SEC announced and admitted they had Title IX problems. Instead of formulating a plan of action to begin correcting Title IX problems, the SEC announced they will "study the problem" for another year and maybe do something in 1995. Since when can you announce that you have been violating a law for 20 years, then wait another 2 years before even beginning to comply with the law? This type of action shows that schools are still not taking Title IX seriously.

Women need the help of this body to make schools comply with Title IX. Title IX has been on the books for 20 years, and little has changed. Schools have realized that there are no real penalties for not complying with Title IX. There need to be more hearings on Title IX. Title IX was important enough to be enacted 20 years ago. Now, it must be enforced.

I want schools to know they are accountable under Title IX. Women are going to fight, and the women are going to win. Schools that refuse to comply with Title IX will end up paying damages and adding woman's teams.

My last message is for women who are experiencing discrimination under Title IX. You can fight. You can win. It is a hard battle, but don't believe the threats that it will ruin all other aspects of your life.

Over the past year, I have experienced many things. I began and ended with the same simple thought of having my civil rights under Title IX upheld. I didn't want to bring down the athletic department or start a media blitz. I just wanted the opportunities guaranteed to me by law. I wanted an equal chance to participate in varsity college athletics. I have been a varsity athlete all of my life. It was and is beyond my conceptual realm that in today's colleges women are being denied the right of participating just because of their sex. Title IX was enacted over 20 years ago. Title IX doesn't need to be changed. It simply needs to be enforced.

Mrs. COLLINS. Ms. Haffer, I was extremely interested because you mentioned you started fighting this in 1980, which was 13 years ago, and at that time no doubt you were among the very first. You were a pioneer in this effort to make sure that gender equity became a reality.

What are some of the things that you, what are some incidents that you had to undergo at that time sort of being out there by yourself?

Ms. HAFFER. Well, as the plaintiff, you mean, or as the athlete?

Mrs. COLLINS. Well, when you brought the lawsuit what happened to you?

Ms. HAFFER. Well, initially, obviously, the university was not happy with me, whatsoever. I assumed that they wished I had, A, not shown up at Temple at all ever, and when I filed the case, that I would have gone elsewhere.

I think that over the years the university expected me to give up, but I sit here today obviously not having done that. One of the most difficult things for me that came out of this case was the fact that people I had come to respect at the university ignored me and treated me disrespectfully once this case was filed. I had to endure a variety of repercussions, some of which I have told you about already.

Mrs. COLLINS. You also mention in your testimony about some of the things that you did not just tell us about. I want to hear about a couple of those for the record.

Ms. HAFFER. As I said to you, I was the president of the student athlete council when I was a junior and senior at Temple University. Because I was, I had a mailbox with the faculty. Interestingly enough, after the case was filed, my name kept disappearing from the mailbox, and every time I put the name back up, the very next day the name would be gone.

So nobody ever came to me and said, Rollin, we are taking your name off because you filed this case, but you don't have to look far to figure it out. I kept putting the name back up and eventually they gave up because I guess they realized I was not going to.

One of the other difficult things was being in classes with other student athletes, predominantly male student athletes, who did a lot of name calling and used words that I will not use here today because I do not speak in that manner, but you can use your imagination, because every curse word was used in front of me and to my face during that time period.

The faculty members who turned on me viciously was very difficult for me to deal with, because like I said before, I came to respect them. These were people that I looked up to. I was going to become a teacher and they were obviously teachers, they were my role models, and suddenly because I believed in something and I was willing to stand up and say so, they turned on me. They suddenly wouldn't talk to me any longer and I found that very difficult as well.

Mrs. COLLINS. What do you think you gained for women at Temple University by the settlement of the Haffer case?

Ms. HAFFER. Well, for the women at Temple, undoubtedly, great strides were made. There are now expanded opportunities for women with the addition of a women's soccer and crew team.

I should explain initially during the settlement that team was agreed upon to be swimming but in a later agreement we agreed to make it soccer because soccer was an upcoming sport for women and there was more opportunity for women in soccer and so we agreed upon that.

Also, at Temple University, the overall expenditures in the athletic department are to be within 10 percentage points of a participation rate. They today are clearly within that limit. The scholarship rates were directly parallel to participation rates for the women, which they were not even close at the university, and in the overall program, the university is being forced to treat women equitably. And for the very first time at Temple University, they will be and are promoting women's sports, which they never did before.

Mrs. COLLINS. That is great.

Have you made any effort to try to end the discrimination of sex at Temple University internally? Did you meet with any of the officials, the college president or anybody like that during your time?

Ms. HAFFER. Absolutely. Prior to filing the case, I met directly with and sat down and spoke to the president of the university and several other university officials to ask them what they would do to end the discrimination at Temple University. I pointed out to them how we felt we were being discriminated against and wanted to know basically what they would do. Unfortunately, they laughed in my face and I was prepared at that time to tell them that we were going to take further action. I did tell them that, but, obviously, when April 8, 1980, rolled around they didn't really believe I was going to do that.

So without a doubt, the university knew of the discrimination. We told them to rectify the situation internally, but they chose not to and the end result was eight long years in court which could have been clearly avoided.

Mrs. COLLINS. Ms. Cohen, you mention in your written testimony that you say "Brown expresses anger at the lawsuit claiming it forces the administration to put athletics at the top of the list of things to focus on yet while President Gregorian has not spoken about the case or made an appearance at any of the court hearings, he has recently established and is sharing a football committee to discuss why football continues to lose games."

Brown has a record of one win and 19 losses for the past two seasons. Now, I pointed to that because I have continuously maintained that football is not sacrosanct and that even though many people feel that football brings in all the money, all the money now mind you, for the universities and colleges, that this does not necessarily have to be the case.

I thought it was interesting that you point this out, because if that is the true focus, and I am not sure we can debate it because he is not here, but if the president is more concerned about who is going to be chairing the football committee and those kinds of things than he is about gender equity, it is a serious cause for concern.

Those are the kinds of things I think we are trying to get away from when we talk about gender equity. We want to make sure people understand gender equity is not about football, it is not about taking anything away from men but talking about being fair to women, so I was glad you brought that point out in your testimony. Thank you.

My time has expired. Mr. Stearns.

Mr. STEARNS. Thank you, Madam Chairwoman.

I wanted to ask just to start off a generic question for each of you. As a result of your experience, have you found the universities' attitudes of the administrators and the people who are involved with women's sports changed dramatically or are we still faced with an attitude that is, shall we say, not receptive? Jennifer, I will start with you.

Ms. COOK. Sure, I definitely have an opinion on that. Even at trial, when we went to trial, Colgate's administrators had not even prepared themselves to know about the status of women's ice hockey across the country.

At trial, the athletic director, when asked by the magistrate judge, testified that he had only seen the women's ice hockey team at Colgate play for one-half hour in his 15-year tenure as athletic director at Colgate University and felt that was enough time on which to make his decision to deny us varsity status.

Right now, as the chairwoman mentioned, Colgate appealed our decision from September 1992 and won because our last two plaintiffs would have graduated by this 1993 season, which is when Colgate was supposed to have a women's varsity team in place. Even though they were still supposed to make attempts to get that program going, no matter what happened with the appeal, they never did. And now, having won the appeal, they issued a press statement and said, oh, we are not, we did not commit gender discrimination; the case was thrown out and everything is fine and dandy.

So they never have, and that is what I think is the heart of my case; is that the discrimination was systemic and there was not even a basic attempt to find out what was out there for women. It was just an assumption it didn't exist and they just sort of defended it all along the way.

Mr. STEARNS. A follow-up question I will ask each of you, either this 5 minutes or afterwards, is what do you think is the most effective way to educate the university administrators, if what you are telling me is even after all this process you are telling me that this university at Colgate they are still not, in your opinion, knowledgeable?

Let me ask quickly again, is there a Title IX authorized representative at each University?

Ms. COHEN. Every university under Title IX, every university, is required to have a Title IX adviser officer.

Mr. STEARNS. One of you girls mentioned or seemed to indicate there was no Title IX representative.

Mrs. KIECHEL. Auburn has one now. They did not have a Title IX representative when this started.

Mr. STEARNS. Is that true, Megan, for you too? Was there a Title IX—did you know who to go to? Wasn't it your father who sent you something from Sports Illustrated?

Ms. HULL. Yes, I didn't know about Title IX and we did not find out who the Title IX official—I didn't know you would call her, the person who is supposed to be knowledgeable about it, adviser about Title IX, we did not know who she was until she testified at a hearing last fall.

Mr. STEARNS. So basically she was incognito for all those years?

Ms. COHEN. In her testimony she admitted she had not read Title IX.

Mr. STEARNS. Well, let me, I think the general question is, has there been a change in perception at the universities as a result, and if not, generally what do you think should be done? So let me ask Ms. Haffer if you would comment. As a result, what do you see now? Has there been a change, do you think?

Ms. HAFFER. Well, I have been away from the university for 12 years now, so I can tell you a few things. Obviously, things have changed at Temple University because of the settlement and the consent decree they are forced to change them and they have changed.

Mr. STEARNS. I don't mean just in that one specific program but now is there overall for women?

Ms. HAFFER. The attitude for women. Overall I can't really comment. I have been away from the university for a very long time now. I can tell you that even today when I go back to the university, the high officials know within minutes when I have arrived on campus. So perhaps that is the best answer right there.

Mr. STEARNS. Ms. Cohen.

Ms. COHEN. Well, I was away from the university this year, but I can say from talking to the gymnasts who remain, that they said it was harder than ever to be a woman athlete, especially a gymnast, at Brown. They thought nothing had changed, and at this point, with the case coming to trial, Brown is in full denial that they are in violation of Title IX.

They would be admitting guilt to change their attitude, in a sense. I feel that that is how they feel. They have to completely convince others that there is no problem. They don't want to change anything. I don't think there has been any change in attitude.

Mr. STEARNS. Susan?

Mrs. KIECHEL. I will have to see what Auburn does. The recent settlement is a ray of hope, and what they do after this—they are being required to start the team next year, and I think that will be the real challenge. Up until I would say 3 weeks before the settlement, I don't think they took me seriously. They did not take OCR seriously.

We handed them a petition with 1,400 female students that wanted the opportunity to play soccer in February and I was told point-blank all they did was put it in a drawer.

Mr. STEARNS. Is there no Title IX representative now?

Mrs. KIECHEL. She was hired in November. I filed my complaint in October and she was hired in November.

Mr. STEARNS. And, Madam Chairwoman, let me just finish up. Megan, did you want to make a comment?

Ms. HULL. I was going to agree with Amy. I don't think there has been any real change at Brown and, if anything, I think things have gotten worse. Brown has just clung to this argument that they are this liberal institution and nothing could be wrong, and I think they have just looked to the administration and the people in the athletic department to support them in that.

Mr. STEARNS. All right. My time has expired.

Mrs. COLLINS. Mr. Pallone.

Mr. PALLONE. I have no comment.

Mrs. COLLINS. Well, I have some figures here that I thought were kind of interesting. You know, our bill H.R. 921 deals with the fact that if a college or university does not comply as far as Title IX is concerned all their Federal dollars will go. I mean, that is all the Federal dollars. Now, of course, that is not the only means of funding for colleges or universities, but I thought you might like to know that Auburn received $30 million, $30.5 million in 1990 from the Federal Government, Temple $40.7 million, and Brown $42.2 million. Colgate didn't receive very much but we have enough Federal dollars in there I guess. They only received about $1.2 million. Not a whole lot of money, yet to us and to you who had to buy your own sticks and so forth and your own uniforms. But those are the kind of figures we are talking about and I don't know if the universities can afford to lose that kind of money, but if they can, then they have to give it up.

Ms. Cook, in your case, the district court cites a memo from a Colgate official that says that, "Considered against the needs of the total women's athletic program at Colgate, it is the division's opinion that women's intercollegiate ice hockey is a luxury we cannot afford at this time," and according to the court, Colgate was spending 50 times—50 times more on the men's hockey team than on the women's hockey team. And the court concluded: "equal athletic treatment is not a luxury. It is not a luxury to grant equivalent benefits and opportunities to women. It is not a luxury to comply with the law."

Now, did you find that kind of attitude interesting or what?

Ms. COOK. Certainly. I mean, as I mentioned before, it was a constant—I remember when I gave the proposal and the athletic director gave a little colloquy about Title IX and that he would have to buy me a new pair of skates and drive me around in a commercial bus and fly me out to be recruited and so on and so forth. And in our proposal we had only asked for $16,000. We were not asking for a lot. We were just asking basically to compete on a higher level. These renditions of what Title IX and the law meant were always sort of thrown at us.

You know, in addition, I wanted to mention that after we filed suit, Colgate denied the women's club all use of mailing for alumni activities. We bought a $600 skate sharpener the previous year, and it disappeared, and they also, right after we filed the suit, they also appointed a woman to be an assistant athletic director for women's sports there.

Mrs. COLLINS. Ms. Hull, do you think that your sport is a luxury or do you think it is something that young women can enjoy and learn certain kinds of determination, et cetera?

Ms. HULL. I think that the two women's sports that were cut, gymnastics and volleyball, both had budgets that were of such an insignificant amount to the athletic department that they could not be seen as a luxury. When Brown decided to make the cuts, I think they ended up cutting less than 3 percent of the athletic budget and they cut four teams.

So I think it would have been very easy for Brown to offer women opportunities at really no cost or no significant cost to the athletic department. I felt that the decision was one of attitude rather than financial reasons.

Mrs. COLLINS. You agree with that of course, Ms. Cohen?

Ms. COHEN. Yes.

Mrs. COLLINS. Soccer is rapidly becoming a very interesting sport in our country. You turn on the television and you see a lot of soccer games. We have never been much of soccer players or soccer spectators in our country but it is growing tremendously. And I don't want to put words in your mouth, but do you believe that having women soccer players is just as important as it would be in having men play soccer?

Mrs. KIECHEL. Yes, I do. It is growing as a southern sport as well. The statistics, even in Parade Magazine, I believe it was in November of this year, in 1975 there were 10,000 women between the ages of 6 and 18 that played soccer; now there are currently somewhere around the range of 300,000 in this country. And that is in 15 years. That is a drastic change.

Atlanta is a very close area to Auburn. It is 2 hours. A lot of students come from Atlanta to go to Auburn. It has teams ranging from 4 years old to adult teams that range over 50. People play consistently, and we are finding many, many of the SEC areas—not just Auburn—women are going to other schools because they don't have that opportunity. They are going to go to Chapel Hill or ACC schools when they wanted to attend an SEC school, but they are being denied that opportunity.

The good players are there. In fact, one of the national team players is from a Southern State that plays on a women's national team that is playing now across the country and playing in European tournaments.

Ms. HAFFER. Mrs. Collins, could I comment on this point?

Mrs. COLLINS. Yes, please.

Ms. HAFFER. This notion about a sport being a luxury. You know, you are speaking to female athletes here who do not look—I would not look at any sport as a luxury. All sports are an undisputed right and each and every athlete takes their sport as seriously—they dedicate themselves as much and they should be afforded the same opportunities that men are, because these sports and athletics, in general, give women the same opportunities that they give men in preparing ourselves for the competitive society that we live in. In that way, I would not look at any sport as a luxury. It is just an undisputed right that women want.

Mrs. COLLINS. Exactly.

Ms. COHEN. I would also like to say, in my opinion, regardless of if you regard sports as a luxury or as a necessity, it should be regarded equally for men or women. If it is a luxury for women, it is a luxury for men. If Colgate is in dire economic times and desperate measures have to be taken, they should eliminate the men's ice hockey team if ice hockey is a luxury. That is where the money is. The women's ice hockey team—if they gave each team $16,000, they would save over $250,000 for themselves. That is when it becomes ridiculous to me to say a sport is a luxury because that is an excuse.

Mrs. COLLINS. Well, the argument that many have placed is that, and we are getting back to this football again, is that I guess you know how I feel about this football, but the argument is that everybody just loves football, it is a big money-maker for their schools, and that you know, everybody wants to watch the games on Saturday, they watch all the college football games, et cetera.

What do you think about that? What have been your thoughts about television for women's sports? Mrs. Kiechel?

Mrs. KIECHEL. Well, I want to comment on the first half, just about football as a whole. I think something needs to be noted that when you watch carefully how athletic directors make comments about football, they say, we brought in $6 million this year for football. Yes, but what did you spend? What did you put out? Six million dollars in revenue is not a profit if you spent $10 million doing it.

Those numbers are not outrageous. I am coming from a school that has an $18 million athletic budget. The entire female program gets $2 million. Now we get $2.2 million because we get two more now because of what I just did. But we have 2 out of 18, and we make up almost half the population.

Football takes, and I don't have an exact number because you cannot get an exact answer, but football takes over $10 million to do. A lot of the reason behind that is, if some of you will notice, if you have ever looked at a budget, things like—and this is not just Auburn but at many schools. I have not particularly been discussing Auburn, but in many schools you have male athletic dorms only. There are no female athletic dorms. That goes under dorms under "general" instead of the athletic budget. The same for feeding players. If males eat in a separate dining hall, they call it dining hall.

When you add in all of those that are actual costs, because these are strictly male athletes, and football has the most cases. And even in NCAA, most schools don't make a profit because bringing in $6 million and spending $10 million is not a profit.

Mrs. COLLINS. Well, how did you get this information? Did they tell you the information?

Mrs. KIECHEL. The NCAA provides most of it. I don't have the exact figure on what they claim to be a profit, but the information on the budgets, if you look hard enough and you search, you can find the general information somewhere if a university is public. If you cannot find it, you do what I did, go through depositions and discovery, which is where I found a lot of mine.

Mrs. COLLINS. That is where you could get these statistics relatively by gender?

Mrs. KIECHEL. Yes, and it is easy to see that way.

The other thing is we don't want to take directly from football. No one on this panel or anyone filing a case wants football to be hurt or die in any situation. We are saying if you are going to allot that much to your athletic program and spend that much on football, you have to regulate yourself and decide how you are going to do it. You cannot justify telling women they cannot play sports when men get other teams that are nonrevenues, such as men's tennis, men's track, but you cannot have them because you are women. You cannot justify that with women.

Mrs. COLLINS. Mr. Stearns.

Mr. STEARNS. Thank you, Madam Chairwoman.

This is a question for Jennifer Cook, and then just working down all of you. Ms. Cook, you stated that: "From the time of the enactment of Title IX to the threat of this trial, Colgate's administrators never believed their treatment of the women's ice hockey program constituted discrimination." What do you think is the most effective way to educate university administrators on the requirements of Title IX?

And this goes to another question. What should the Office for Civil Rights be doing in this regard?

Ms. COOK. Well, first of all, to address the question of how to educate the collegiate athletic administrators, you know, I am not an expert on government. I don't know if you can attach a memo to their Federal check that says, look, this is Title IX.

Mrs. COLLINS. Maybe we should.

Ms. COOK. But I think there has to be some way they learn about other laws to which they have to adhere. There has to be some way about having a national conference on Title IX. The NCAA through this gender equity study, although a lot of it I disagree with, is at least bringing the issue to the tongues of the people who are running our college athletic programs.

In terms of the Office for Civil Rights, you know, that was not an option for me when I spoke to an attorney just to investigate.

Mr. STEARNS. They never contacted you?

Ms. COOK. Never contacted me.

Mr. STEARNS. Provided support or advised you?

Ms. COOK. And actually I was advised to not even try it.

Mr. STEARNS. Who advised you? I don't mean specifically but was it somebody at the university?

Ms. COOK. A woman at the university was having the same problem and she said, I have been calling them for days and they don't answer the phone.

Mr. STEARNS. The Office for Civil Rights does not answer the phone?

Ms. COOK. Right. I have heard that a lot. So I think we are hoping that office will be strengthened in the future.

Mr. STEARNS. Ms. Haffer, do you want to——

Ms. HAFFER. As far as how do we get the university to take notice of Title IX and comply with the law? There is no doubt in my mind that universities are well aware of what Title IX says. They are choosing to ignore it. I don't know. Do we send up flares over the university every time there is an act of sex discrimination?

Obviously, there has to be a national campaign to enforce this law. How do we go about that? I am not an attorney, but I can tell you that——

Mr. STEARNS. Having been through the process I think you probably, if you could go back and start it again, you would probably have asked for either Federal legislation or you would have recommended certain things and that is all I am saying now.

Ms. HAFFER. Absolutely. The other women on this panel also said they didn't want to sue the university. I didn't want to sue Temple University. It was a long, drawn out, costly, emotional event for me.

Mr. STEARNS. Did the Office for Civil Rights ever help you?

Ms. HAFFER. No.

Mr. STEARNS. I don't want to lose my time, Ms. Cohen.

Ms. COHEN. Well, I would hope that all the lawsuits that have been brought in the last few years are alerting the universities not only that they have been brought against but also the universities around the country that this is the clue, wake up.

Mr. STEARNS. I don't mean to interrupt you, so you are telling me the universities still are not receptive—sounds like——

Ms. COHEN. I think all the universities now are saying, oh, there is Title IX, oh, we better start reading it. They are not immediately changing their attitudes, but I do think——

Mr. STEARNS. You sense there is still not a dramatic change?

Ms. COHEN. Right. But I think they are at least reading it. I think the people now at Brown are starting to understand what it means. The athletic director at Brown said he cut two men's teams and two women's teams when he had to make budget cuts because to him that was fair because then he was in compliance with Title

IX. He told us that at the meeting, to cut women's teams that was how he was to comply with Title IX. He didn't understand you could not be equal by cutting two men's and two women's teams if the men's still received 80 percent of the budget if there were fewer women's teams, fewer women athletes. He didn't have a concept of what Title IX meant. I believe he has a concept now.

Mr. STEARNS. Did the Office for Civil Rights ever help you?

Ms. COHEN. No, we were told through various parties that it probably would be futile to deal with the Office for Civil Rights.

Mr. STEARNS. Mrs. Kiechel?

Mrs. KIECHEL. My thing is, the best way to educate is simply to enforce, and to make enforcement from OCR. That means you will have to change the way OCR works.

I may have missed one, but as far as I know, I am the only one that went through OCR first. I would tell any woman at this point, the way OCR runs, don't do it; you are wasting your time completely. I went through the whole process and eventually, according to OCR rules, I won. I got a letter of finding, which I produced for you. You have a copy that says Auburn is in noncompliance with the law and they must add a women's soccer team.

The problem is, OCR has their own regulations: 135 days start to finish. That is an OCR regulation of investigation. Then they decide compliance or noncompliance and work with the university to correct it. I filed in October.

Mr. STEARNS. Did the rest of you girls know that, did you know what she just said, they have this compliance deadline?

Mrs. KIECHEL. You will find out why they didn't do it. 135 days. I filed in October. That means it is over in February. Auburn did not send a letter of response at all responding to any of the charges, anything, until February 26, 8 days after the investigation was to be completed.

Auburn was permitted to stall for 139 days without responding. That is wrong. There was nothing I could do. I drove the Atlanta office nuts. I called them every week. I went to Auburn. I provided information. I made four personal trips to Auburn in 5 months and provided them with additional information. Much of that information is in that letter of finding that I got.

On top of that, once everything came to light, how was Auburn penalized? They were told they don't have to add another team for another year. No penalty for stalling, no penalty for breaking the law, and no restrictions on what kind of team they have to have. So why would you go through the Office for Civil Rights?

In 6 weeks I got a team, I got scholarships, I got a new field. I got what should have been there for 8 years for at least one team.

It doesn't solve the problem. We still got 12 percent of the money. That doesn't solve the problem, but I wouldn't do OCR again.

Mr. STEARNS. Ms. Hull?

Ms. HULL. I was just going to say I think I would agree with the other statements, that enforcement and education about Title IX are going to be intertwined. I don't know whether it was Representative Collins that suggested it, but I have heard the analogy between trying to enforce Title IX and eligibility rules and recruiting rules. If you look around the country, I think you will find that at most NCAA institutions everyone knows recruiting rules, everyone knows what you have to do to be eligible, and I know the NCAA has a booklet that explains the whole thing and people pay attention because if you break the rules your athletes won't be eligible to play. I think the administrators and the coaches really pay attention to that. So once you—maybe if at some school their Federal funds were taken away people would start to pay attention to this.

And I also think maybe the NCAA could work with the OCR in coming out with some kind of booklet or something that explained, that had not only the text of Title IX but the policy and interpretation that explains what you have to do to be in compliance.

Mr. STEARNS. Thank you, Madam Chairwoman.

Mrs. COLLINS. We have a vote on the Floor of the House of Representatives, so we are going to recess for 10 minutes and we will be coming right back.

[Brief recess.]

Mrs. COLLINS. The hearing of the Subcommittee on Commerce, Consumer Protection and Competitiveness will resume.

Mrs. Kiechel, would you tell us please what happens when the Office of Civil Rights drags its feet?

Mrs. KIECHEL. As I said earlier, they are supposed to have the investigation complete in 135 days and then deal with the university on how to deal with it if they are out of compliance.

What happened in my case and from other women I have talked to about cases with OCR is very similar. They did not penalize Auburn. In fact, they gave them extensions for when they didn't provide information.

I have a real problem with that because, as the person who filed the complaint, if I had not provided OCR with enough information to do their investigation within that 135 days, they simply would have dismissed the investigation and said we don't see a problem.

The university was not penalized for it, so they got to put the time frame they wanted. They were delaying it because they had no penalty for it. That was the only reason. Why should we deal with it, there is nothing you can do about it?

The other problem with the OCR situation is once something was said we didn't have an opportunity to go against it. If Auburn comes back or any university comes back and says, well, the club team only had 15 players this year, it now becomes our responsibility to try and find out what they claimed was incorrect.

In my instance in particular, and it is in my letter of finding, so I can repeat it, Auburn claimed we had 21 players in 1991 and 1992. I played on that team. We had 55. Not even close. And never in the entire history of Auburn's women's club level soccer team has any university official come to a game or a practice. So they have no idea what we have.

The statements being made that none of us had any athletic ability. If you will note at one point they said only 6 of 24 people who played this year had any athletic ability. I think it is noteworthy that that number is extremely incorrect. We had an average of 10 years' of competitive soccer experience. We have four All-State players, and one All-European soccer player sitting on the club team.

So my problem with the OCR situation was that if the university stated something, it became my problem to prove it otherwise, and I thought it was OCR's problem to say let's find out if it is true. If OCR drags its feet continually, we get even further off.

They are dragging. In this case, they accepted that the team didn't have to be reinstated until 1994, even though they knew they were out of compliance. Doesn't help anyone involved. I wouldn't do OCR again simply because of the time frame and the fact they had—the letter was nice, if any of you have read it. It was part of my statement. It has strong statements in there about the problems of the university, but on the last page it says, add it in 1994. Nothing else. Nothing that you need to add additional teams, nothing about the fact the scholarships are off.

You will note even on the number of teams that are currently existing at the university, the numbers between men and women are way off. Look at track. It is two to one for men. Look at swimming, it is almost two to one for men. And OCR has had no enforcement on that.

The other problem with OCR is, if I file a soccer complaint and I want Title IX investigated, they only investigate that. Anything else is fine. We have to file 5, 6 more complaints to get it investigated. If I wanted the entire athletic department done, I would have to file it again, which I am not.

Auburn did for me what I needed done at this time, which was add a soccer team, but there are still other women at other universities, including other SEC and ACC schools, other colleges in the North that need to have the opportunity, and OCR needs to be set up where that can be done; not to set it up where it hinders you.

These women, I honestly believe, made the right choice not to go to OCR. If I had it to do over, I would do it internally with Auburn, to give them every opportunity to do something, and then I would have filed in court. I would not have waited until this April. I probably would have filed in November of last year.

Ms. COHEN. I want to stress if possible the—I think the impression is being given that the courts are a solution to this problem, and I would like to stress that they really are not an optimal solution.

Many cases have been successful because the threat of a suit has led to settlement, but in the Colgate case, now nothing has happened. They won in court but in appeal it was dismissed. In the Brown case, we have been already in a yearlong battle and won a preliminary injunction, but Brown has not done anything on the preliminary injunction. Now they are sitting on it. We don't know when they will enforce the preliminary injunction, rehire the coach, and make sure we are going to have teams next year.

In addition, we are scheduled for trial in November. There is no way to know if trial will come in November, how long that trial will last, what will happen, what the outcome of that trial will be, and how long it will take to enforce what we win in that trial.

Courts are really too slow for this problem. The athletes will all have graduated by the time a settlement or a decision has been made. Courts are really not an optimal way to deal with Title IX.

Mrs. KIECHEL. I agree with her statement and that is why OCR needs to be corrected to where women can go and get their rights upheld. I totally agree the court is not the way, because the other problem is in most cases you have to be ready to put yourself financially on the line to do this. I did, so did the other 17 women, and that is not right.

This was enacted 20 years ago. This was enacted a year after I was born, and I went all the way through school and now I don't have the opportunities. My mother never thought this would still be existing once I grew up.

That is why OCR needs to be amended. Not amended, it needs to be enforced, because if it were enforced properly, none of us would ever have gone to attorneys. We would have gone to the OCR. They would have done the 135-day investigation, the ruling would have been done, we would have moved on.

The other problem is if a university does not comply with OCR to add a team, do you know it can take a year, 2 years, and 3 years to get anything done after that point? So you have won, but you are sometimes sitting there with no team, no additional funding, no additional scholarships.

Mrs. COLLINS. In light of all this, you still think it is worthwhile, so that those young women who are following you will not have to go through this and will have an opportunity to participate in sports in college?

Mrs. KIECHEL. That is the only reason I began it. That is the reason I went to OCR instead of looking at the court first, was I didn't want to go public; I didn't want to embarrass myself or my university. I wanted to go through OCR, have the women behind me have the rights I didn't have and move on. When I found out I didn't have an option, then in February I began taking another route.

Mrs. COLLINS. Ms. Cohen, you are still in school?

Ms. COHEN. I graduated in 1992. Megan is still in school.

Mrs. COLLINS. Ms. Hull is still in school. Are you going to continue on at Brown?

Ms. HULL. I am transferring to Georgetown.

Mrs. COLLINS. You are transferring to Georgetown because you will have the opportunity to pursue your sport?

Ms. HULL. Definitely. Although Brown technically will have a varsity volleyball team next year, the program is really run down. We have been club for the past 2 years, there are no new players, there is not the talent there right now. There is not the number, the same amount of—I mean, not the same amount of people or the same amount of enthusiasm because you don't have the core of recruited players that care about the program.

Mrs. COLLINS. So for all practical purposes, would you say that Brown has stifled the interest of players from coming to Brown?

Ms. HULL. Well, definitely, because I think Brown really plays a huge role in controlling the amount of interest I guess you would call it, because they decide who gets in and who does not. They decide which athletes get in and which athletes don't. There were athletes that wanted to come to Brown to play volleyball, there were athletes that wanted to be on the gymnastics team but they were not accepted, so Brown just eliminated the interest at the varsity level in—or at least I would say they eliminated that population that had both the interest and the ability to compete at the varsity level.

Mrs. **Collins**. Mr. Stearns?

Mr. **Stearns**. Thank you, Madam Chairwoman. I think Mrs. Kiechel's comment that the Office for Civil Rights, if it had done its job, was a very important comment, particularly since the legislation is in place and everything and they didn't react quickly. And now to find there is not a campus representative who is knowledgeable about Title IX, as you pointed out that just recently they hired one, is a little disconcerting.

I had a question again for all of you, a general question. Under Title IX regulations, one of the relevant criterion is to determine the level of interest and abilities of women on campus in various sports programs. How do you suggest such "level of interest" and "abilities" be determined? How do you measure the ability of women's sports participants?

I think that is an area I would like your comments on, Ms. Cook.

Ms. **Cook**. Sure, I can comment on that.

First of all, let me talk about two brief points. When you are involved in a club program, such as Colgate's women's ice hockey team, you are given no admission spots like a varsity team, meaning that a lot of people who have an interest to play hockey are not going to apply to this school. I was one of those rare exceptions. I had played ice hockey in high school, I played at a varsity level, I was skating, had been skating since I was 2 years old, and I decided to go to Colgate.

So you are not going to get a group of high caliber players applying to a club team program if it is there. And that is where the Catch-22 is. Because to get people out on the ice, some who have never skated before, some like me who had done really well in high school, and you have to deal with them.

We had 35 people on the ice at one time skating. We had a 20-person traveling team and the fact that we, given we only had student coaches, went and beat two varsity teams my senior year and came in second in our championships and made an effort to participate in tournaments and really did improve by leaps and bounds, the university still told us that that didn't constitute interest and ability.

Mr. **Stearns**. Level of interest.

Ms. **Cook**. On the second point I want to make, I wonder why this does not happen in high school? At least it didn't happen to me. When I was in high school, my varsity girls ice hockey team got the same exact stuff that the boys ice hockey team did. When we traveled to games, we traveled in school buses. They didn't get a commercial bus and we get vans. It was the same along the lines. And it is hard when you then go to college and it is different, the rules are changed on you.

Mr. **Stearns**. Ms. Haffer?

Ms. **Haffer**. At Temple University there was clear interest in four teams that were not offered to women—golf, crew, rugby, and soccer—at the time the case was filed.

How do you know of interest? You do what I did. The university certainly could do it. I did it. You put out a survey and you ask, and we clearly found in 1980 that there was interest in these sports. I don't think it is that difficult.

Mr. **Stearns**. They don't do that with incoming freshmen?

Ms. **HAFFER.** Not that I am aware of. Not at the time I was at the university. It doesn't seem like a tremendous job to me to find what the interest is. If I was able to do it, they certainly can do it. And the interest was there in all of those sports and there was no reason why those sports should not have been offered.

Mr. **STEARNS.** Ms. Cohen?

Ms. **COHEN.** I would say a successful club team that has been participating for several years and that applies for varsity status is indicating ability and interest. I think there are probably people and athletes that are demonstrating ability and interest that are not necessarily being covered in that, but Brown put out a statement during our lawsuit that we feel confident that we are effectively accommodating the ability and interest of women athletes.

We were suing them. Clearly, they were not effectively accommodating us. We were a varsity team already. We were successful. We had the ability and we had the interest. You know, it is statements like that that make me realize they really are not paying attention in cases like that.

Mr. **STEARNS.** I had one question that pertains to you that you state that Brown's athletic director, David Roach, had been ordered to cut the athletic program by 3 percent but that: "He refused to cut perks and watered down big programs." What do you mean by that?

Ms. **COHEN.** When we met with him and he discussed the dropping of our team, he told us that he was going to try to focus on the big sports, the important sports at Brown, meaning men's football, men's basketball, men's ice hockey, men's wrestling. He was unwilling to cut their perks, their—things. He said if we cut things away from these programs, if we water down these programs, we cannot attract good athletes; we cannot attract good football players that way.

He decided the same year he cut our program to raise the amount of meal money each athlete got on their away trips from $15 to $22 a day. Which I already being an athlete and receiving this, you went to Wendy's after the game and spent $5; $15 was sufficient.

That was a perk to us. That was something that other schools, gave $22. He felt football players were not going to come to Brown if they were going to get $15 a day instead of $22. That increase cost the university more than the gymnastics team. Those types of perks, those types of things he was unwilling to take away from the central, what we considered the central sports.

Mr. **STEARNS.** Susan?

Mrs. **KIECHEL.** Still on the interest and abilities, I assume?

Mr. **STEARNS.** Yes.

Mrs. **KIECHEL.** What I would say, one of the key things is the status of a club team. If you have it for a number of years, there is an interest in that area and in that college having a new team. Our soccer team was there 7 years before I began our OCR investigation.

Mr. **STEARNS.** The program was getting stronger and stronger?

Mrs. **KIECHEL.** It began with a group of players from high school wanting to play.

The demand in the South is quite large for soccer now. To give you a clue of how large, after our case was settled, 4 days later the University of Alabama, another SEC school, announced women's soccer, and Sunny Florida announced SEC soccer for women. So because of that, there are a lot of players who are qualified that go in flux.

Four All-State and one European. That is half the varsity team right there ready to go, and the credentials are there.

Mr. STEARNS. Any other women's sports you know of that are in the South that are coming up like soccer? Just curious.

Mrs. KIECHEL. Many people are interested in having softball reinstated in numerous institutions.

Mr. STEARNS. I see basketball starting to move.

Mrs. KIECHEL. It is in and it is huge, but the next would be softball. Many of the schools had softball and chose to either drop it or not to go to fast pitch when the NCAA quit recognizing slow pitch. Auburn University had a softball team until the mid-1980's. It was dropped. Nothing else was replaced with it and nothing was put in place of it or the money was not redistributed.

At one point, Auburn dropped golf and volleyball and they were reinstated 2 years later all in the same 3-year time period.

Mr. STEARNS. And these programs were providing more participants and they were strong programs?

Mrs. KIECHEL. Yes.

Mr. STEARNS. So it wasn't a case of it dwindling and less interest?

Mrs. KIECHEL. Listed specifically in the OCR finding in two of those instances was that the athletic directors reported it was budgetary problems. They could not support the number of women's teams on the money the university gave them, but that was because the percentage of the money was so low.

Mr. STEARNS. Ms. Hull?

Ms. HULL. I was just going to say that in terms of interest, I think what has already been said about just looking at club teams that are really well-established, that would indicate interest, and once the interest is there and usually the ability is there with it if the club team has been in existence for a few years.

Also once you decide there is interest and ability and you want to raise a program up to the varsity level, then I think the university is going to make the same commitment to that team that it makes to all the other teams to ensure a continual supply of athletes who have the talent to compete at the varsity level.

For instance, at Brown there are numerous women's teams that have both interest and ability—volleyball, gymnastics, rugby, the equestrian team, water polo. These are all teams that have been in existence for a few years, and have asked for varsity status. They would like to be varsity but Brown has just refused.

Mr. STEARNS. Turned them down.

Ms. COHEN. I want to also add that interest and ability is something that schools can make. Schools make interest and ability. The football recruiting budget at Brown is, I think, over $80,000 a year. They feel that they need to continually go out there and seek interested and able athletes. They don't feel these people just happen to come to the university.

So it is definitely a Catch-22 in the sense that it is hard to just have 10 gymnasts that are interested and able show up at Brown. If they need to spend $80,000 to get football players, they will need to spend money to get gymnasts. So the university is copping out to say, well, no one is interested; we don't have any varsity caliber athletes. You know, you have to demonstrate that you are going to supply a team before varsity caliber athletes are going to want to come to your school.

Mr. STEARNS. You are saying if they provide $80,000 in recruitment for women gymnasts there would be interest?

Ms. COHEN. There would be plenty of interest and ability.

Mrs. KIECHEL. In our situation, I do believe the settlement that I have reached with Auburn for the team starting this fall, I believe, at this point, and I hope that I am proven correct, that they are going to do this team the way it was intended to be done: first-rate.

Women's programs, most of them that they do promote, women's basketball, is one of the best in the country. It is promoted first-rate, brings in top players; is always in the top 10. I believe if they do the same type of promotion for the soccer team, you will have the same opportunity.

You can look at specific sports in specific States and see the same thing for soccer. Chapel Hill is the best in the country, all the way around. Won 11 of the last 13 NCAA championships and it is simply promotion. By Auburn announcing a varsity team, they will have scholarships. Even without them, just having a varsity team will bring in more varsity level players than are already on campus.

Mr. STEARNS. This interest and ability goes not only back to college but back to high school, back to junior high, back to elementary. You have to go way back to get this interest and encouragement for women's sports. So it is something that historically is a Catch-22.

Thank you.

Mrs. COLLINS. Let me ask, I didn't get a chance to ask all of you, but I did ask Mrs. Kiechel. Would any of the other members on the panel want to comment on whether you were able to obtain any data on gender equity easily or whether the disclosure required by the Equity In Athletics Disclosure Act, which I am sponsoring, would have made any difference? Have you all looked at that? Ms. Hull?

Ms. HULL. I can respond to that briefly in that I know that we found it really difficult, even once we had filed the lawsuit to find out what exactly Brown was spending on the various male teams and the female teams. And I think that when a woman or a team at a university suspects that there are Title IX violations that exist at that school, if you cannot find out how much they are spending and even how many athletes there are, they would not release to us the number of people on these teams, if you cannot find that out, you cannot be sure when you file. It is hard to even get an idea because that information just is not available. Especially since Brown is a private university. Essentially, they are allowed to say everything is confidential and you can find nothing out. So it would help if schools are required to tell people how the money in their athletic department was allocated.

Ms. COHEN. Brown grilled us at the preliminary injunction hearing saying why did you come to Brown? Shouldn't you have known things were not equal, shouldn't you have known this? Couldn't you have gone somewhere else? I don't think as a high school student I chose Brown—I thought if anywhere, Brown would be a place where women and men were treated equally, where if they were not, the university would be open and willing to listen to what the problems were and to correct them. I think it would be invaluable to high school athletes to have this information at their disposal, to be able to look and say this school treats women better than this school. If I go here, I feel like I am going to be guaranteed that I will be able to play, compete for 4 years.

I had no idea as a high school athlete. I didn't know Title IX existed and I had no idea to even think of looking into how universities treated female athletes versus the male athletes or the likelihood of my team being discontinued because of supposed budget problems. I think it is something very important for high school student athletes to be able to find out.

Mrs. COLLINS. Well, you just pointed out something. We are going to make sure that all the high schools that we can think of get some information on Title IX.

Ms. COOK. Chairwoman Collins, I also had a lot of difficulty in trying to find the budget figures for the men's team and so forth and was always told, oh, we will get it to you next week or I cannot give you that information. We didn't get it until discovery. And in fact in our complaint, my attorney asked me, well, can you come up with a figure of what the men's team gets. Oh, maybe $150,000. She said, we will call it $200,000. Turned out it was over $300,000 during the depositions. We didn't even know. That is how far off we are.

I have read your bill and I am a supporter of it and I think it will go a long way because it provides culpability. Right now, collegiate athletic directors don't feel like they have to answer to anybody. If they knew they were going to have to send a piece of paper to the Federal Government, you better believe they would take a better look at what they are spending.

Ms. HAFFER. Excuse me, could I just comment?

Mrs. COLLINS. I am sorry.

Ms. HAFFER. I have to be a little more assertive I guess. These younger women are outshining me here. My age is showing, I suppose.

Clearly, there needs to be an easier way to access the information. I feel like I am talking about the dark ages, but when I talk about when Temple, when we first instituted this case, back in, when we got the information was back in 1979, I did it a little differently. I didn't go to the university and say I need this information. I guess you could say I was a little sneaky about it. I went to the library and I just asked to see the university budget. It is public information. It is huge. It is stacks of paper like this, but I spent hours and weeks going through it and finding the athletic budgets. Everything is there, the line items are there. It is all in black and white. I shouldn't have had to go through those weeks of information. It should have been more readily accessed to me, but it wasn't. But we did it. We did it because there was a need to do it.

The other thing was, as far as gathering information for this case, perhaps because I had nothing to look back on, you become somewhat creative in your attempts to get information. Every sign that is on a door and every memo that comes out and bulletins that are posted suddenly become useful pieces of information, and they did become useful pieces of information, and after a while you know everyone knew that Rollin was going to go around taking notices down and taking signs and copying them. I always put them back up, but they became useful pieces of information, but it shouldn't be like that. It shouldn't be that difficult. So there needs to be a better way for access for information.

Mrs. KIECHEL. It also makes it fair for universities who are claiming we don't know what the problem is if every university has to report publicly, where any of us—I could look up Temple or Colgate. Then the other universities are going to look at each other and the prospect they may do some work on their own by threats is good.

When everybody has the numbers, then you cannot go to the press and say she is lying, those are not the correct numbers. You are not going to take a chance of going to court if the numbers can be proven. I think it will increase some self-policing within some of the conferences as well because they don't want problems.

Mrs. COLLINS. Well, now, let me ask you about the NCAA. Now that you are aware of Title IX and gender equity in sports, do you have any comments as to the role that the NCAA should be playing? Start with you, Ms. Hull, you mentioned NCAA earlier.

Ms. HULL. Yes, I think that, I was thinking of the NCAA just in looking——

Mrs. COLLINS. Go ahead and then?

Ms. HULL. From what I know about the NCAA, they have been really effective in enforcing some of their other rules, and I know that the NCAA rules are taken seriously. So maybe—and I don't know how this would be worked out, but maybe the NCAA could come up—one option would be to have the NCAA enforce it in some way. But I don't think—I don't know if that is really realistic.

Mrs. COLLINS. Are you aware the NCAA has had a meeting, a task force on gender equity, and they are supposed to be defining what gender equity is?

Ms. HULL. Yes, I think in terms of that task force, I mean I am glad they are looking into it, but I think they need to come up with some very specific requirements so you can look at a school and say yes or no, is this school in compliance with Title IX; and then they have to come up with some kind of penalty for schools that are not.

And I don't know what kind of penalty that would be, whether or not they would not receive the funding from the NCAA or other privileges that go with being a NCAA member, but they need specific requirements and then penalties for not being in compliance.

Mrs. COLLINS. I am sorry I can't get a chance to ask all of you that question. If you would like to submit to the subcommittee a written statement as to that question or anything else that you might want to add, please do so.

At this point we have exactly 3 minutes to get over to vote on this piece of legislation that is before the Floor.

I thank all of you for coming. Your experiences have been extremely informative and beneficial to us and the people behind you and a wonderful congressional hearing record that we will use from now on to talk about your experiences.

This hearing is adjourned. Thank you very much for coming.

[Whereupon, at 12:05 p.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]

INTERCOLLEGIATE SPORTS

WEDNESDAY, AUGUST 4, 1993

House of Representatives,
Committee on Energy and Commerce,
Subcommittee on Commerce, Consumer Protection,
and Competitiveness,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:02 a.m., in room 2322, Rayburn House Office Building, Hon. Cardiss Collins (chairwoman) presiding.

Mrs. Collins. Good morning. This hearing of the Energy and Commerce Subcommittee on Commerce, Consumer Protection, and Competitiveness will come to order.

In 1970, less than one out of every 25 high school girls was an athlete. By 1990, nearly 1 out of every 3 was a girl. The number of female high school athletes has grown by 1.7 million in the last 20 years. As a result, 35 percent of all high school athletes are now girls compared to a mere 7 percent 20 years ago. This is good. This shows improvement. But continued sex discrimination remains a factor in keeping this percentage below 50 percent, which represents the enrollment percentage.

This subcommittee has held several hearings on gender equity in college sports. Today we will examine the progress in gender equity at secondary schools as well as the problems that are still being faced. We will hear from those in the front lines, coaches and athletes, as well as testimony on how States are tackling gender equity issues.

I am delighted to welcome two distinguished women coaches to our hearing. Dorothy Gaters has successfully coached the girls' basketball team at John Marshall High School in the Seventh Congressional District of Illinois which I represent. In fact, her team is the two-time defending Class AA champion in the State of Illinois. Ms. Gaters is known for her triumphs with the young women on her team in the face of many trials. I am certain she is going to help us better understand how playing basketball has helped these young women in all aspects of their lives.

Wanda Oates comes to us from not very far away, from Southeast Washington, D.C., where there are great challenges facing the children and their teachers. For 14 years, Ms. Oates taught the girls of Ballou High to believe in themselves and to achieve. Throughout her coaching career, the girls' team held 10 city and tournament titles. She has since returned to Ballou to coach the boys' basketball team.

High school years lay the foundation for our youngsters' future either in pursuit of a college degree or in search of employment. Participation in athletics teaches our children how to play as a member of a team, how to take risks, how to discipline and challenge oneself.

According to a 1990 study from the Institute on Athletics and Education at the University of Chicago, high school girls who play sports are 80 percent less likely to be involved in an unwanted pregnancy, 93 percent less likely to be involved with drugs, and three times more likely to graduate from high school. Athletic girls tend to have higher attendance records, better GPA's, and lower dropout rates.

Girls in high school do not have the resources that their collegiate sisters who have taken the issue of sex discrimination in athletic opportunities to courts do, but they are beginning to notice the differences and to speak up.

At a recent basketball tournament, an athletic shoe manufacturer sent along nice new shoes for the boys but none for the girls. Girls at the tournament rode in 100-degree weather on buses without air conditioning while the football players and boys basketball players enjoyed riding in air-conditioned comfort. The girls brought these differences up to the coordinator, who deemed them minor complaints. Subtle differences but continued disparities such as these have a tremendous impact on young, maturing girls.

Enlightened State officials are beginning to pick up the ball. In Illinois, the State Board of Education has adopted sex equity rules, more popularly known as Title IX, with teeth in them. Public schools are subject to a periodic school approval process which they have to pass to receive funding. This process includes a thorough review of the school's athletic program. In addition, schools must complete a sports interest survey every 4 years to ensure that the interests and abilities of the students are being met.

Recently, I conducted a survey of the schools in my own district and found that roughly 1 in 3 athletes is a girl. This ratio is similar to that which is found at the national level, with one exception. The girls in schools with more resources fared far better than those girls in the poorest schools. I suspect this may be the case in other, less fortunate, urban schools.

Every time a young woman is told that her team can only practice when the boys are done, every time she sees her male counterpart enjoying better equipment and better facilities, and every time she sees women coaches treated worse than their male counterparts she is learning all the wrong lessons, that men are somehow entitled to better treatment than women.

My bill, H.R. 921, the Equity in Athletics Disclosure Act, is designed to bring about gender equity in college sports through full disclosure. Yet gender equity at the college level will only be fully successful when opportunities for girls from kindergarten to high school are made equal.

I look forward to the testimony of our witnesses and to collectively finding a way of getting our girls and women off the sidelines on to the court and playing the game.

I yield now to our ranking member, Mr. Stearns.

Mr. STEARNS. Good morning, and thank you, Madam Chairwoman.

I am also pleased to be able to participate in today's hearing, the fourth in a series on gender equity on interscholastic athletics.

Previously, we focused our attention on inter-collegiate athletics where we have seen evidence of the disparities that exist between the athletic opportunities available for men versus those available for women. Today's hearing looks at the question from a different angle, focusing on the secondary school level where much of the interest and ability is developed for those seeking to compete at colleges and universities. If programs were not developed for young women at the secondary level, then there would be very little development later on.

I am pleased that we will be hearing from representatives of two States which have distinguished themselves as leaders in gender equity for students athletics. The first, of course, is my home State of Florida, which has produced a comprehensive report on gender equity among student athletes. The second is the distinguished chairwoman's home State of Illinois, which developed a comprehensive set of gender equity guidelines to ensure that female student athletes are not discriminated against.

I would like to take this opportunity to welcome the representative from Florida's Department of Education, Nancy Benda. Ms. Benda is the director of the Equal Education Opportunity Program for the Florida Department of Education and oversees the Department's Statewide initiative to increase participation of women in athletics. I am sorry that Commissioner of Education Caster could not appear, but I was pleased to see that she did send a statement and would ask unanimous consent to have it made a part of the record.

Mrs. COLLINS. Without objection, it will be made a part of the record. [see p. 139.]

Mr. STEARNS. I must admit that I was somewhat disturbed by the findings of Florida's Study Commission on Women's and Girls' Participation in Athletics and Extracurricular Activities which authored the study. The Commission found gross disparities between the participation rates of men and women at all levels of athletic competition. For instance, the Commission found that Florida's high schools offer 27 percent more teams to men than to women. They also found that community colleges offered 18 percent more teams to men than to women and universities offer 10 percent more men's teams.

While the Florida Commission's findings on female participation generally mirror the national statistics, the rate of participation at community colleges was significantly better than the national average. In addition, the Commission also found that only 24 percent of the coaches in Florida's high schools were women and that the number of female teams coached by women has declined in recent years.

It is my understanding that the Florida State legislature recently adopted legislation designed to correct these discrepancies. Currently, the Commission is working with the Department of Education to develop rules to enforce the legislation's requirements.

I look forward to hearing from Ms. Benda as well as all of our witnesses. Their testimony should be helpful as we continue to look at ways to solve gender inequities in our schools' athletic programs, and I commend you, Madam Chairwoman, for having these hearings.

Mrs. COLLINS. Thank you.

We have been joined by the ranking member of the full committee, Mr. Carlos Moorhead.

Mr. Moorhead, for an opening statement.

Mr. MOORHEAD. Thank you, Madam Chairwoman.

I would like to commend the chairwoman for her continuing diligence in confronting the issue of gender equity in athletics with this, the fourth in a series of hearings, on the subject. This is an issue which deserves our attention, and the chairwoman has done an admirable job of focusing the legislative spotlight on it.

I would like to welcome all of the representatives of the athletic community to this hearing, both the students and coaches on the first panel and the representatives from Florida and Illinois on the second panel. All of you have proven yourselves to be leaders in the field of equity between the sexes, and I believe that there is much to be learned from your example even in my own State of California.

I look forward to hearing from all of our witnesses, and I want to thank you, Madam Chairwoman, for your efforts.

Mrs. COLLINS. Thank you, Mr. Moorhead.

Let me advise our panelists that this subcommittee and all subcommittees of the House of Representatives work under the 5-minute rule—in fact, those are the rules of the full House—which means that you will be allowed 5 minutes to give your oral statement—it can be anything you want to say—or to read your written statement. However, at the end of that 5 minutes we will have to move on to other witnesses. Understand that your full statement will be made a part of the record, and perhaps some of what you may want to say during that 5 minutes, if the bell goes off and you haven't said it, is likely to come out during the question and answer period.

Before getting to all of the witnesses now, let me say that on the first panel will be Ms. Dorothy Gaters, who is the girls' basketball coach at John Marshall High School, as I said, in my district; Ms. Wanda Oates, who is the basketball coach at Ballou High School here in Washington, D.C.; and Ms. Christine Pride, who is a high school senior here in the area—in fact, in Silver Spring, MD. Ms. Oates is accompanied by Ms. B. Kali Speaks, assistant coach at Ballou.

Ms. Gaters, I just want to take this opportunity to say briefly that all of us in Chicago are very proud of the job you have done with the young women at John Marshall High School. I happen to have been afforded the opportunity to meet some of those young women—I believe it was last summer, not this year—at a dinner that you had for them shortly after they had won a very wonderful championship in the city of Chicago in that general vicinity. They are very wonderful young women, and I can tell you the great esteem they have for you certainly, I am sure, was an inspiration for them to do the wonderful job that they have done, and we are proud not only of them but certainly of you, who have inspired them to really great heights in our State.

Welcome, and I welcome all of you.

We will begin with you, Ms. Pride.

STATEMENTS OF CHRISTINE PRIDE, SENIOR, JOHN F. KENNEDY HIGH SCHOOL, SILVER SPRING, MD.; DOROTHY GATERS, BASKETBALL COACH, JOHN MARSHALL HIGH SCHOOL, MAYWOOD, ILL.; AND WANDA OATES, BASKETBALL COACH, BALLOU HIGH SCHOOL, WASHINGTON, D.C., ACCOMPANIED BY B. KALI SPEAKS, ASSISTANT COACH

Ms. PRIDE. Thank you.

My name is Christine Pride, and I am a senior at John F. Kennedy High School in Silver Spring, Maryland. First, I would like to thank you for this opportunity to speak before this committee on this very important issue. While I am not an expert on gender equity or the Title IX law, as a female athlete I can relate some experiences I have faced concerning gender equity.

I grew up in the world of athletics. My brother was a three-sport star at John F. Kennedy High School 7 years ago. He earned a full basketball scholarship to the College of William and Mary, played for the U.S. soccer team in the Under-17 World Cup in China, and is now playing professional baseball for the Montreal Expos organization. I observed that, as a male athlete, he received a lot of "perks," especially at the College of William and Mary, a Division 1 basketball program. Not only did he receive more shoes than he could possibly use but he also received other athletic wear including jackets, sweat-suits, and shorts. His life as a minor league baseball player is not as glamorous yet, but when he makes it to the major leagues he will be able to make more in 1 year than I will probably make during my entire career as a journalist.

Seeing first-hand how much he enjoyed and how much success he achieved playing these sports inspired me to try out for softball my freshman year. It was my first experience playing in an organized sport. Through my participation, I have learned the importance of cooperation, teamwork, and the importance of making a commitment and working hard to achieve personal and team goals. I have also learned the importance of establishing priorities.

I am an honor student at my school. I have been able to maintain my 3.75 grade point average while keeping up with homework from six advanced placement and honors classes. I am also involved in many other extracurricular activities. It is very difficult to maintain this busy schedule when not playing a sport, so you can imagine the stress when softball season comes around. But it is definitely worth it. I have made many new friends through softball from my school and other schools. It has really enhanced my high school career.

However, it saddens me to see the prominent double standard that exists between male and female athletics. There is a distinct disparity when you compare male sports and female sports on the high school level. The one experience that really opened my eyes to gender inequity and precipitated my involvement in the Montgomery County Gender Equity Advisory Committee involved the selection of a new softball coach this past season.

The applicants included one female and three males. Two softball team members and two staff members were on the panel to interview the applicants. My teammates on the panel were given the impression that their votes for the prospective coach would carry equal weight as those of the faculty members.

As a result of the interviews, both the players were strongly in favor of the female candidate. At the time, she was serving with distinction as the field hockey coach, and she still is. The administration ultimately hired the male coach on the basis that he had more experience and was more qualified, despite the fact that the female had coached softball many years before at Kennedy.

The decision was widely protested. Several community meetings were held with officials of Kennedy High School who attempted to explain the rationale behind their decision. I, along with the majority of my team members and many parents, still do not understand it. It certainly raises questions about the school's commitment to gender equity when a male coach could be selected to coach a female team over a female who, in the opinion of many familiar with the situation, was equally if not more qualified than the male.

Because I was one of the most visible and vocal leaders of the movement to have the selection of the male coach nullified, I entered the season fearful that reprisals would be taken against me, and while I have no direct evidence and do not wish to accuse my coach, my season started off bad and became progressively worse.

I was not the only one who perceived the situation this way. In fact, only 11 of the 17 original players remained on the team by season's end. This mere selection of the softball coach without being coupled with the disastrous season is just one of the prominent examples of gender inequity at Kennedy High School. There are many others, and I am sure there are similar throughout schools in Montgomery County.

For example, the varsity field hockey team, as of today, does not have a field on which to play. It was covered up last year in order to provide a space for the new baseball field. The team was promised a new field by the time summer practice began this month, yet no preparations have been made to plant grass or level the old baseball field. As a matter of fact, I spoke with the field hockey coach last week, and she informed me that the administration has informed her that they are not going to build the new field hockey field. So the team faces another season of rescheduled practices and games around the boys' varsity soccer team. The field hockey team also has to play on the football field where the height of the grass may be fine for football but is certainly not appropriate for field hockey.

The new baseball field also created a problem for the softball team. The new field backs into the softball field so that both the outfields overlap. The baseball team and coaches claimed this structure wasn't a problem "girls can't hit that far anyway." However, during our games it was very distracting to have the baseball team practicing so close to our field. We, the team, complained to our coach and our school athletic director immediately following the first home game. We explained that it was disturbing to have them practicing during our games and asked if they would please instruct them to practice somewhere else. This did not occur.

What is completely ironic about the entire season is that our coach asked the original female applicant for assistance toward the end of the season. This was after five players had already quit.

I have related to you a couple of experiences I have had over this past year. These events precipitated my interest in the gender equity issue. Through my involvement in the Montgomery County Gender Equity Advisory Committee, I hope to raise awareness to the many disparities that exist between male and female athletics on the secondary high school level. Only with this awareness can positive changes occur.

I know that these changes cannot possibly occur overnight, but I also know that it is harshly unfair that I, with my 3.75 GPA and 1200-plus SAT scores, will have to sweat out my acceptance to the University of North Carolina at Chapel Hill while some male basketball player, who barely qualifies under Proposition 48, will be relaxed, knowing that he will be accepted at almost any school he wishes to attend.

Thank you.

[The prepared statement of Ms. Pride follows:]

Statement of Christine Pride

My name is Christine Pride and I am a senior at John F. Kennedy High School in Silver Spring, Maryland. First, I would like to thank you for this opportunity to speak before this committee on this very important issue. While I am not an expert on Title IX or the gender equity issue, as a female athlete I can relate some experiences I have faced concerning gender equity.

I grew up in the world of athletics. My brother was a three sport star at John F. Kennedy High School 7 years ago. He earned a full basketball scholarship to the College of William and Mary, played for the U.S. soccer team in the under 17 World Cup in China and is now playing professional baseball with the Montreal Expos organization. I observed that as a male athletic hero, he received a lot of "perks", especially at the College of William and Mary a Division I basketball program. Not only did he receive more shoes than he could possibly use, but also other athletic wear including sweat suits, shorts and jackets. I envied his travel to places like California, Georgia and Florida to play in tournaments. His life as a minor league baseball player is not as glamorous yet, but when he makes it to the major leagues he will be able to make more in 1 year than I will probably make during my entire career an a journalist.

Seeing firsthand how much he enjoyed and how much success he achieved playing these sports inspired me to try out for softball my freshman year. It was my first experience playing in an organized sport. Through my participation I have learned the importance of cooperation, teamwork and the importance of making a commitment and working hard to achieve personal and team goals. I have also learned the importance of establishing priorities. I am an honor student at my school. I have been able to maintain my 3.75 grade point average while keeping up with homework from six advance placement and honors classes. During the softball season there are many away games which require me to miss one, two or sometimes even three classes. This leaves a lot of work to be made up. I am also involved in many other activities including, National Honor Society, Peer Counselling, Montgomery County Regional Student Government, school wide Student Government, yearbook, newspaper and astronomy club. It is very difficult to maintain this busy schedule when not playing a sport, so you can imagine the stress during softball season. But it is definitely worth it. I have met many people through softball that maybe I don't otherwise see in school. I have also forged many friendships with girls on other teams. I think playing softball or any other organized sport is a great experience. It has really enhanced my high school career.

However, it saddens me to see the prominent double standard that exists between male and female athletics. There is a distinct disparity when you compare male sports and female sports with regard to attendance, support and equipment. The one experience that really opened my eyes to gender inequity and precipitated my involvement in the Montgomery County Gender Equity Advisory Committee involved the selection of a new softball coach this past season. The applicants included one female and three males. Two softball team members and two staff members were on the panel to interview the applicants. My teammates on the panel were given the impression that their votes for the prospective coach would carry equal weight as those of the faculty members. As a result of the interviews both the players were strongly in favor of the female candidate. At the time she was serving with distinction as the field hockey coach. She still holds that position. The administration ultimately hired the male coach claiming that he had more experience and was more qualified, despite the fact that the female had coached softball many years before at Kennedy. The decision was widely protested. Several community meetings were held with officials of Kennedy High School who attempted to explain the rationale behind their decision. I, along with the majority of my team members and many parents still do not understand it. It certainly raises questions about the school's commitment to gender equity when a male coach would be selected to coach a female team over a male who, in the opinion of many familiar with the situation, was equally, if not more qualified than the male. Because I was one of the most visible and vocal leaders of the movement to have the selection of the male coach nullified, I entered the season fearful that reprisals would be taken against me. And while I have no direct evidence that this was the case and do not wish to accuse my coach, my season started off bad and became progressively worse. I was not the only one who perceived the situation this way. In fact, only eleven of the seventeen original players remained on the team by the seasons end. The mere selection of the softball coach without being coupled with the disastrous season is just one of the prominent examples of gender inequity and Kennedy High School. There are many others and I'm sure that many of these disparities are similar in other schools throughout Montgomery County.

For example, the varsity field hockey team as of today, does not have a field on which to play. It was covered up last year in order to provide a space for the new baseball field. The team was promised a new field by the time summer practice began this month. Yet, no preparations have been made to plant grass or level the old baseball field. As a matter of fact, I spoke with the field hockey coach last week and she informed me that the administration has informed her the school is going to be "unable" to build the field hockey field. So the team faces another season of rescheduled practices and games around the boys' varsity soccer team. The field hockey team also has to play on the football field where the height of the grass may be fine for football but is certainly not appropriate for field hockey.

The new baseball field also created a problem for the softball team. The new field backs into the softball field so that both outfields overlap. The baseball team and coaches claimed this structure wasn't a problem because "girls can't hit that far anyway". However, during our games it was very distracting to have the baseball team practicing so close to our field. We, as a team, complained to our coach and our school athletic director immediately following the first home game. We explained that it was disturbing to have them practice during our games and asked if they would please instruct them to practice somewhere else. After all, the softball team wasn't permitted to practice on the softball field when the baseball team had a game. Our coach assured us it would not happen again. But it did repeatedly throughout the season. On one occasion an umpire complained to our coach that the baseball team was indeed distracting. Our coach apologized, yet still nothing was done. I use this example to show the apathy towards our team the coach maintained throughout the season. He was very unsympathetic to our needs. For example, our softball field does not have benches. The administration claims that there is too much concrete underneath the sidelines to install benches and prior to my arrival at Kennedy the portable benches were stolen and never replaced. We complained to our coach and the administration several times and were given empty promises about getting new benches. As a team we felt that it was the responsibility of our coach to see that the needs of our team were met. This included not only making sure we had the proper equipment such as benches, but also taking care of the field. Well, while the baseball coach was consistently raking and smoothing the baseball field, to my knowledge our coach did nothing of the sort to our field. What is completely ironic about the entire season is that our coach asked the original female applicant for assistance toward the end of the season. This was after five players had already quit. The administration also claimed that our coach was hired on his presumed ability to build a softball program. However when the Junior Varsity softball coach could not make it to practice, and this was frequently due to jury duty, junior varsity practices were never held. We, the varsity players asked how the program was supposed to build up if the younger players often didn't get the opportunity to practice. We were told it was none of our concern.

I have related to you a couple of experiences I have had over this past year. These events precipitated my interest in the gender equity issue. Through my involvement in the Montgomery County Gender Equity Advisory Committee I hope to raise awareness to the many disparities that exist between male and female athletics on the secondary high school level. Only with this awareness can positive changes occur. I know that these changes cannot possibly occur overnight but I also know that it is harshly unfair that I, with my 3.75 g.p.a. and 1200+ S.A.T. score will have to sweat out my acceptance to the University of North Carolina at Chapel Hill, while some male basketball player who barely qualifies under Proposition 48 will be relaxed knowing that he will be accepted at almost any school he wishes to attend. Thank you.

Mrs. COLLINS. Thank you.

Ms. Gaters.

STATEMENT OF DOROTHY GATERS

Ms. GATERS. Good morning. I am very honored to address this congressional subcommittee on gender equity.

I am a graduate of John Marshall High School. I received an associate of arts degree from Crane Junior College, which is now Malcolm X College. I received a bachelor of science degree from DePaul University. My master's degree is from Governors State University, and I have completed 40 hours beyond my master's, and I am currently taking summer classes at St. Xavier University in Chicago.

Marshall Metropolitan High School is located in the West Garfield Community on the West Side of Chicago. The majority of the residents of West Garfield are under-educated and either unemployed or underemployed. It is estimated that 40 percent of those 16 years of age and older are unemployed. Of the 33,000-plus residents, more than 41 percent live below the poverty line, and approximately 40 percent receive public aid. Residents in our attendance area are plagued with a myriad of problems that beset the urban poor—poor health care, teen pregnancy, high infant mortality, crime, and gangs.

Despite these problems, Marshall High School is a source of pride and hope for our students and for the community. Our female and male basketball teams were the first teams from Chicago to win State titles in basketball. The boys won in 1958 and 1960. The girls won in 1982, 1985, 1989, 1990, 1992, and 1993.

Our female basketball program is one of the best in the country. We have been nationally ranked many times. This year, we were ranked number one in the Nation by USA Today, and after losing a game in a December tournament we were dropped to third. We finished the season with one loss and back-to-back State titles and a No. 2 national ranking. I was also the national runner-up for coach of the year.

Since 1978, Marshall's Lady Commandoes have won 15 of 17 city championships, 13 consecutive. Our team has finished second in the State twice, three times third place, and twice fourth place. We have won 501 games and lost 42 since the team started in 1975. We have produced nine high school All American players since 1980. Our most notable player, Ms. Janet Harris, has played professionally in Europe and Japan since 1985.

Our players are in every walk of life. Two are currently assistant coaches at the Division 1 college level. Our former players are law enforcement officers, firefighters; others serve in our military and a variety of other professions.

In 1985, three players from our programs competed in the NCAA Final Four. They all played on different teams. Two competed in the final that was won by Old Dominion, with our point guide, Marie Christian, a former Lady Commando All American.

We do more than play basketball at Marshall Metro High School. We have mandatory library study as well as summer ACT preparation classes. Ninety-nine percent of our players who remain in our program have graduated from high school, 98 percent of our players have gone on to college, and our overall attendance is more than 90 percent.

Of all the players who have come through our program, their common bond was a lack of opportunity to participate in elementary schools. The ones who did play had to play on the boys' teams in most places, and none played before the seventh grade. Our best player for next season, a pre-season All American, did not play at all in elementary school. To have come so far in such a short time is a tremendous feat for this young lady.

In the Chicago public schools system, there are no paid elementary school coaches. Those coaches who do volunteer their time do so mostly for boys. Out of 472 elementary schools in Chicago, there are fewer than 20 girls' teams even though almost every school has a boys' basketball team. The girls at most schools are either cheerleaders or pom-pom girls for the boys.

Of the 64 high school boys' basketball teams, all have paid varsity and fros-soph coaches since the early 1950's. By contrast, our girls' fros-soph team is only 3 years old. Many teams do not have adequate uniforms or practice facilities because the boys' program takes precedence. Girls must sometimes play their games in smaller, darker gyms to give the main gym to the boys for practice. I must point out that this is not the case at our school.

Mrs. COLLINS. Are you practically through?

Ms. GATERS. Yes. I would just like to say that I would like to encourage people on this committee to support girls' sporting events, to encourage the employment of women coaches and administrators, to volunteer coach or become a part of a supportive environment for girls, and also to support House Resolution 921.

Thank you.

Mrs. COLLINS. Thank you.

Coach Oates.

STATEMENT OF WANDA OATES

Ms. OATES. Good morning. It is indeed an honor and a pleasure for me and my assistant coach, Ms. B. Kali Speaks, to be here today. We are most graciously indebted to you, Chairwoman Collins, for being a trailblazer in the vanguard of women in athletics and having a deep commitment to its growth and development.

After passage of Title IX in 1972, women in athletics were on their way, or so we thought. The realization of lingering inequality became abundantly clear when I applied for and was denied the position of athletic director, a man's job. It took me 8 years after the passage of Title IX to become the first female athletic director in a D.C. public school. This was only the tip of the iceberg of struggles which I personally encountered.

Helena Jones became principal of Ballou High School, the first woman to hold that position in the school's history. She was a woman of vision with a high sense of purpose and commitment. Due to my record as a championship coach in many sports and my past experience as athletic director, in June 1985 Ms. Jones appointed me head coach of the men's varsity football team. Controversial indeed. That bold step was a costly one, to say the least. Any man with these credentials would have had the school system crawling to him to be the head football coach.

I was denied the position by the assistant superintendent, Dr. Andrew Jenkins, who later became superintendent of the D.C. public schools. A court fight ensued, which I lost in the U.S. Court of Appeals. However, the three-member panel, of which Robert Bork was a sitting judge, added that the city may have missed an historic opportunity by not giving the job to me. I later filed a grievance with the Washington Teachers Union, which was settled April 22, 1988. The D.C. Board of Education agreed to appoint me as the head coach of the male basketball team at Ballou, a first in the Washington metropolitan area. It is appropriate to note at this point that Helena Jones was transferred from Ballou and demoted.

During my tenure as head coach of the men's varsity basketball team, I, along with my assistant, Ms. B. Kali Speaks, have suffered some of the most discriminatory practices imaginable by a school system. I shall attempt to elaborate for you some of the negative policies, procedures, and practices by administrators and other personnel in the D.C. public school system for the past 5 years that directly violate the intent and spirit of Title IX.

One, proper personnel hiring procedures were never followed in the employment of the athletic director for the D.C. public schools. The position was neither advertised nor posted and subsequently has been held by a male since its inception.

Two, failure of the D.C. public school system to recruit and train women to coach. Most of the positions are now held by males for all sports, even those encompassing female athletes.

Blatant sex discrimination permeating the varsity and junior varsity basketball programs at Ballou by Mr. Reginald Ballard, assistant principal in charge of athletics in the following manner: (1) my new varsity uniforms were given to the junior varsity team without my knowledge or consent; (2) a junior varsity Christmas tournament was held this year at Ballou, a first. No such tournament has ever been suggested or held for the varsity; and (3) practice facilities were found by the administration for the JV team in a school with a regulation basketball court when our gymnasium was being repaired, which took 2 years to complete. During this same period, I had to secure the police boys' club for the varsity team to practice on a basketball facility totally inadequate for varsity competition.

The D.C. Coaches Association, sanctioned by the D.C. public schools athletic director, fails to represent all coaches in an equitable manner. One of my players, Michael Robinson, the top scorer in the Washington metropolitan area and an All-Metropolitan selection in the Washington Post, was denied a position on the prestigious McDonald's Classic All-Star Team by this organization. This team has included such NBA stars as Patrick Ewing, Kareem

Abdul Jabbar, Michael Jordan, and others. In the past, the top scorer in the area was automatically selected for this honor. However, because Michael Robinson was coached by a woman, he was omitted from the team.

Mrs. COLLINS. Please finish your last sentence.

Ms. OATES. In 1988, a historical game between two women coaches of men's varsity teams was reduced to a scrimmage because no formal contract was issued by the principal of F.W. Ballou High School at the time, Mr. Ronald Parker, to the opposing school. Over $12,000 of my personal savings was provided for this event. There was no effort on the part of the school system or principal of Ballou to aid me through fund-raisers or donations in this great endeavor.

[The prepared statement of Ms. Oates follows:]

STATEMENT OF WANDA OATES

It is indeed an honor and a pleasure for me and my Assistant Coach, Ms. B. Kali Speaks, to be here today. We are most graciously indebted to you Chairwoman Collins for being a trailblazer in the vanguard of women in athletics and having a deep commitment to its growth and development.

My personal growth, development and struggles, which I shall attempt to share with you today, evolved from my humble beginnings. Like so many women of my generation, we were relegated to second class status. In our society, girls were traditionally discouraged from participating in strenuous physical activities. And, while it is true "we've come a long way baby" in changing the image of women as dainty, fragile creatures whose only proper strenuous physical activity is that of giving birth, our society has not yet become so liberated that girls are encouraged from the very beginning of their existence to develop athletic physiques or powerful musculature. A large segment of our population, both men and women, still prefer women to be feminine rather than female.

The role of women has changed vastly in the last decade, and will continue to change in the next several decades as each woman tries to determine just exactly who and what she is. And this role is changing not only in the business world but also in organized competitive programs.

Today, girls and women are beginning to seek themselves—trying to determine just who they really are. Accordingly, most women today paid a high price for being "different." I am a prime example.

Regardless of the negative or positive influence of our society, women will never reach their full potential physically or psychologically until they can appreciate their bodies and their minds, and until they are free enough of cultural pressures to become fully aware of the tremendous underdeveloped and untapped power they possess. Having said that, I shall now endeavor to reflect on my life's experiences which have been guided by 3 ideals—faith—commitment—and courage.

I entered Howard University during the Summer of 1960, ill-prepared for college work because in high school I was hostile, disenchanted with school and my educational development, not goal-oriented, lacked direction, and, above all, had a deep sense of failure. My grade point average was 1.98 on a 4.0 scale; however, my college board scores reflected a tremendous ability to be successful in college. While in college, I concentrated on athletic development; courses at that time that were not readily available to women. Much of my subsequent knowledge of athletics was developed through independent study. My love for sports and athletic development carried over into my professional teaching career. And, in 1967, I helped form a girls basketball program at F.W. Ballou High School.

With a growing sense of who I was and what I was supposed to accomplish in my lifetime, I organized the first interhigh basketball tournament for girls beginning with eight teams in 1969. The Director of Athletics at the time—a man—discouraged me, even threatening to deny me access to school funds and use of gymnasiums and equipment. Undoubtedly, I forged ahead buying equipment and uniforms with my personal savings and threatened court action if we were denied use of a government facility. Needless to say, we were successful. This tournament was the forerunner of the present day athletic program for girls in the D.C. public schools.

After passage of Title IX in 1972, women in athletics were on their way—or so we thought. The realization of lingering inequality became abundantly clear when

I applied for and was denied the position of school Athletic Director, "a man's job." It took me 8 years after the passage of Title IX to become the first female Athletic Director in a D.C. public school. This was only the tip of the iceberg of struggles which I personally encountered.

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1. Proper personnel hiring procedures were never followed in the appointment of the Athletic Director for the D.C. public schools. The position was neither advertised nor posted and subsequently has been held by a male since its inception.

2. Failure of the D.C. public school system to recruit and train women to coach. Most of the positions are now held by males for all sports even those encompassing female athletes.

3. Blatant sex discrimination permeating the varsity and junior varsity basketball programs at Ballou by Mr. Reginald Ballard, Assistant Principal in Charge of Athletics, in the following manner:

(a) My new varsity uniforms were given to the junior varsity team without my knowledge or consent;

(b) Equipment earmarked for the varsity was given to the JV coach, Mr. William Fitchett;

(c) I was allowed by Mr. Ben Overton, Athletic Director at Ballou to order uniforms for the varsity team. The order was later rescinded by Mr. Reginald Ballard, leaving me with a bill of over $2,000 to pay out of my personal savings. There was no help offered to me by way of fundraisers to aid me in paying the cost of the uniforms;

(d) The junior varsity coach was allowed to sponsor a benefit basketball game with the aid of Mr. Ballard;

(e) Individual plaques were given to the junior varsity team (13 plaques), while varsity players received a lesser award (3 plaques) during the Annual Sports Assembly at Ballou;

(f) A junior varsity Christmas Tournament was held this year at Ballou—a first. No such tournament has ever been suggested or held for the varsity;

(g) During an athletic recognition assembly, the varsity team and coach's names were intentionally omitted from the program after it was brought to the attention of the administration to correct, another first;

(h) Practice facilities were found by the administration for the JV team in a school with a regulation basketball court when our gymnasium was being repaired; which took 2 years to complete. During this same time period, I had to secure the Police Boys Club for the varsity team to practice on—a basketball facility totally inadequate for varsity competition.

4. The hiring of Mr. William Fitchett as the JV coach against my wishes—after he encouraged his team to cheer against the varsity in competition and frequently encouraged his players to transfer out of Ballou to other D.C. public schools to avoid being coached by a woman.

5. Over the years, athletic directors for the D.C. public schools have allowed ineligible players to participate in games against my teams—despite my filing formal protests against such conduct by these athletic directors and male coaches; my teams have been intentionally left stranded on numerous occasions because the school bus failed to pick them up—on one occasion, my assistant coach and I had

to rely on friends to get my team back to D.C.; failure of the athletic director to pay the registration fees for me and my assistant to attend sports clinics while paying the fees for the male coaches.

6. The D.C. Coaches Association, sanctioned by the D.C. public schools athletic director, fails to represent all coaches in an equitable manner. One of my players, Michael Robinson, the top scorer in the Washington metropolitan area and an All-Metropolitan selection in the Washington Post, was denied a position on the prestigious McDonald's Classic Allstar Team by this organization. This team has included such NBA stars as Patrick Ewing, Kareem Abdul Jabbar, Michael Jordan, et al. In the past, the top scorer in the area was automatically selected for this honor. However, because Michael Robinson was coached by a woman, he was omitted from the team.

7. Parents of participants at Ballou in athletic activities such as football were admitted free to all games; however, my varsity basketball team parents had to pay admission to all games until a formal complaint.

8. In 1988, an historic game between two women coaches of men's varsity teams was reduced to a scrimmage because no formal contract was issued by the principal of F.W. Ballou High School at the time, Mr. Ronald Parker, to the opposing school. Over $12,000 of my personal savings was provided for this event. There was no effort on the part of the school system or principal of Ballou to aid me through fundraisers or donations in this great endeavor.

9. Several of my players were intentionally given failing grades in classes by male teachers to prevent them from participating on the varsity team.

10. In 1989, Dr. Andrew Jenkins, Superintendent of the D.C. public schools, transferred me to another high school in an attempt to remove me from coaching men's varsity basketball at Ballou. Attorneys David Povich and John P. Monahan, III of Williams and Connolly filed a temporary restraining order on my behalf preventing the action.

11. Recruitment mail from college coaches was withheld from my players by the administration and many of my telephone calls from coaches inquiring about my players for possible scholarships were diverted to the football coach. He never told me of the calls.

12. My physical education class, which was sanctioned by the former principal and scheduled before school was officially in session (8 o'clock), was abruptly eliminated from the curriculum by Mr. Richard Washington. The class was mandatory for all varsity basketball players and open to the entire student body. At one point, there were over 60 students enrolled—both male and female—and it was the largest class in the school. There was no reason given for the cancellation.

13. A prospective All-American varsity basketball player was not allowed to enroll in Ballou and was advised by several administrators to enroll in Anacostia, a high school outside of his residential boundary. This action was taken to avoid having this young man assist me in producing a championship for Ballou. My team was successful in spite of their efforts, winning the East Division Championship, a feat that had not been accomplished in 17 years.

14. Mr. Richard Washington denied a request by one of my varsity players, Marc Dozier, to remain at Ballou an additional year because he felt that he was neither educationally nor mentally ready for college. His SAT score was 600+, which did not qualify him for an athletic scholarship. Under D.C. public school system eligibility rules, he could have participated in basketball another year and possibly raised his test scores through additional instruction.

A prime example of that happening is Dave Bing, a product of the D.C. public school system (Spingarn) who was advised by his principal to repeat his senior year to hone his academic skills. He later received a basketball scholarship to Syracuse University, was an outstanding professional basketball player with the Washington Bullets, and presently is the CEO of a multi-million dollar corporation that he created.

I salute you Chairwoman Collins and your committee for breaking new ground in the continuing struggle for equality of women in athletics.

Mrs. COLLINS. Thank you.

I am sure that the remainder of your testimony will come out in the question and answer session which we are going to begin now.

Ms. Gaters, with the glowing record that Marshall High School girls' basketball team has amassed over the past several years, we all thought that everything was hunky dory and that these young women were certainly on their way to offers of great scholarships and that their college education was assured, and so forth.

Then, much to our chagrin, we found by reading the newspapers that some of the young ladies who had been offered college scholarships had not been able to pass their ACT's, and we ask you now, not in any belittling way but to ask you, what is expected of young students who have become great athletes in school and yet who cannot pass their ACT's to get into college? How do you work with that?

Ms. GATERS. All of our students are required to attend the library every day that they have a study on their program. Summer ACT preparation is a part of our program as well as playing summer league basketball, yet we continue to have students who do not pass the ACT exam, and I am sure that that will continue.

We have many students who qualify. As a matter of fact, one of my players, Latanya Foster, was the Player of the Year from Illinois. She led her team to the Final Four this year from the University of Iowa. Another one of our players who passed the ACT just completed her career at DePaul University. She was two times the MVP, and she will be the grad assistant next year.

Mrs. COLLINS. Were there any on this year's team who were not able to pass the ACT.

Ms. GATERS. Yes.

Mrs. COLLINS. And was help given to them?

Ms. GATERS. Yes, there was. Ever since they have been in the program, it has been available to them.

Mrs. COLLINS. And have they now been able to pass?

Ms. GATERS. No, they still do not pass.

Mrs. COLLINS. So in all probability they won't be getting any college scholarships?

Ms. GATERS. Yes, they will get scholarships.

Mrs. COLLINS. How will that work? Will they be tutored when they are in college?

Ms. GATERS. Two of them will be attending junior college. One has not made up her mind. She may attend the University of Michigan as a nonscholarship student, or she might go to a prep school, or she may—third option—decide to go to a junior college. But all is not lost because they have not passed an ACT or SAT exam. They can still get a quality college education, which I did myself.

Mrs. COLLINS. Certainly this is very important. What do you attribute these kinds of problems to? I think you might have hit on something when you were talking about the educational system overall in the city of Chicago. Do you attribute some of the fact that they cannot pass SAT's and ACT's to the fact that the Chicago school system in certain areas of the city is not as good as it should be?

Ms. GATERS. Well, that is certainly part of it. It is difficult to say what the exact problem is. But no matter how much support you give some students, you are going to have some that fall through the cracks, and that will remain so, regardless of the types of support systems that you give them.

As a coach, you can hope that the majority of your students will be successes in terms of the NCAA's eyes in passing the Prop 48.

Mrs. COLLINS. I wonder what happens to a young girl's self-esteem when she is on a winning team like the Lady Commandos of

Marshall High School, and she is held in very high esteem as a tremendous player by her peers in her high school, and her picture is in the Chicago newspapers and others, finds herself on the front page of the sports section of USA Today, and everybody in the Nation knows that she is part of a wonderful top team, and perhaps one of the best basketball players—I am using this as a hypothetical—one of the best basketball players in the country, perhaps number one or number two, and then finds herself then not having the kinds of options that she thought she was going to have simply because the educational system in her school was not for her. That should certainly be a most shattering thing, I would think.

Ms. GATERS. No, I don't consider it as being shattering. I am very disappointed that the young ladies in our program this year did not pass the ACT or SAT. However, one's self-acceptance should not be based upon what other people feel about you. If they can feel good about the progress that they have made, about the things they have accomplished, then it is not the end of the world. Their careers are ahead of them. So because other people perceive that you have done something less than what is expected of you, it does not mean that you should carry that tag around with you.

Mrs. COLLINS. Coach Oates, do you think that perhaps schools should adopt more rigorous academic requirements as a condition for playing sports, like "no pass/no play"?

Ms. OATES. Yes, absolutely.

I would just like to bring to the committee's attention that I had a young man named Mark Dosher, and he had completed 3 years of high school. However, his SAT scores were just a little over 600, and he wanted to return to Ballou High School to hone his academic skills so that he could possibly, through further instruction, gain the 700-plus necessary for obtaining an athletic scholarship. He was denied that request by the principal.

You see, at the time, you could participate in varsity athletics after 3 years if you met the age requirement and the grade point requirement, which he did, and he was denied that request and made to graduate from Ballou Senior High School before he was mentally and emotionally ready to do so.

Mrs. COLLINS. Mr. Stearns.

Mr. STEARNS. Thank you, Madam Chairwoman.

The purpose of these hearings is to see what we can do to improve and to do away with inequities.

Coach Gaters, I was reading in your testimony that there are fewer than 20 girl teams in the 472 elementary schools in Chicago. Why do you personally feel there are so few girls' teams, and what, if you could wave a magic wand, could we do to make it more balanced?

Ms. GATERS. Part of the reason is that many people don't volunteer their time to work with girls. They feel that their skills require so much attention and they would just prefer to spend that time with the boys.

Another factor, of course, is that there is no compensation, and many people, teachers and others, are just very busy and trying to make enough money to survive.

Mr. STEARNS. So if you were the Congresswoman from your district, what do you think we should do?

Ms. GATERS. Encourage those people who have the time to volunteer to please do so and help some of these young ladies as well as the young men.

For instance, I just completed a summer league on Thursday. We had 12 teams. It is the only summer league that was held in the city this year. There are boys' summer leagues in every community, all over. You can barely go a mile's radius without finding some sort of competition for boys or men.

Mr. STEARNS. I have said this earlier, that to start this properly you have to go back even to grade school. You have to encourage women in sports way back then, so that they start developing the interest and that it is sustained through junior high school and high school and college. If abruptly in college we did it, it would not have enough of the women. I think we just have to start in the very beginning here.

I had the staff check, and Title IX says that there has to be a representative at the high school who is knowledgeable about Title IX, and let me ask Christine: To your knowledge, is anybody at your high school knowledgeable? Where could you go? Was there anybody you could go to where you could say, you know, "Here's my problem. Can you advise me both legally and professionally what to do?" Was there anybody at the high school?

Ms. PRIDE. Not to my knowledge.

Mr. STEARNS. The law says, or regulation says, at every high school you have to have someone. Now that person doesn't have to be somebody full time, but somebody has to be knowledgeable.

Dorothy, wouldn't you agree, if there was at each one of these high schools somebody knowledgeable about Title IX, who knew the regulations, and said to the administration and to the principal, "Listen, under the regulations of the Federal Government, you have got to do *X, Y,* and *Z*"—I think that would be the first step towards awareness, to make sure that we have that person.

Ms. GATERS. Certainly, I think so.

Mr. STEARNS. Coach Oates, do you want to comment?

Ms. OATES. We don't have anyone at Ballou Senior High School knowledgeable except myself.

Mr. STEARNS. But you had to find out the hard way——

Ms. OATES. Well, I was definitely going to find out something that affected me. So, yes, I am knowledgeable about Title IX, but a number of other people are not.

Mr. STEARNS. If someone stood up at the teachers meeting, sat up and talked to the principal and said, "Look, the Federal Government has Title IX, and this is what you are supposed to be doing," that would be the first step, to get everybody to blink and understand what they should be doing.

Some have suggested that the lower levels of women's participation in sports is because women are simply not as interested in participating as men. Let me ask Christine, do you think that is true? I mean, you suddenly decided to get involved with softball. But, in general, talking to your peers, do you agree or disagree with that assertion about just general level of interest? I have heard that argument made.

Ms. PRIDE. I disagree. I think there are a lot of young girls interested in playing a sport, but I think they are discouraged. They are often discouraged by the fact that there are more opportunities out there for boys—boys' varsity, boys' JV, just boys' sports in general—and I think that the fear or just the loss of confidence that teams will be treated equally or that it will be a competitive sport is what discourages girls from participating.

Mr. STEARNS. Did the administration provide you a reason when you talked about in your testimony the fact that the men's baseball team could practice on the adjacent field during the women's softball games but not allowing the women's softball team to practice during the men's baseball game? Did the administration, or teachers, or anybody give you some inside reason why?

Ms. PRIDE. The only thing the administration claimed was that it wouldn't matter because we couldn't hit balls in their field, we couldn't hit that far, so we couldn't hit into their outfield, but they didn't think about how distracting it was, and we explained this to them, but, like I said, nothing was done. So they couldn't provide an understandable rationale behind their decision.

Mr. STEARNS. Coach Oates, in that area that she commented on, from your perspective as a coach—the level of interest by the girls in grade school, junior high, the ladies in high school—is the level of interest not there, or do you think it is there?

Ms. OATES. I most definitely feel that the interest is there. It is just that we can't find qualified coaches to coach them, especially in elementary school. We don't have a program at all in elementary school. I have been fighting for years to have a program right through grade school, junior high school, and senior high school, as a build-up, and we still don't have adequate programs, especially for young ladies on the elementary level.

Mr. STEARNS. In Washington, D.C., they have a boys' club and they have other organizations that start young boys early, and probably there is not that parallel for girls, and what we need to do is increase awareness, which is what the chairwoman is doing. But it seems to me the first solution is to get somebody knowledgeable, like yourself, at the grade school, the junior high, and the high school level, and that will start the process.

Ms. OATES. You see, our problem is that all the athletic directors in the D.C. public schools have been men, and men, I'm sorry to say, you know, are just not sensitive to the needs of our young ladies, and that is a fact. They place more of their emphasis on male athletes, and because I am coaching men now, my boys are being discriminated against as though they were girls—you know, a lot of things that, if they were girls, would be happening to them, and it is happening to them because they happen to have a lady coach.

Mrs. COLLINS. The gentleman's time has expired, so I will begin my questioning by asking you, what are those differences that you see now that you are coaching a boys' team?

Ms. OATES. Well, to get back to academics, I had a physical education class scheduled for 8 a.m., and this was before school. At one point, I had over 60 young people enrolled in that class. It was mandatory for my varsity basketball players to attend. However, the class was open to anyone in the school who wanted to attend my class at 8 a.m., and I had the largest class in the school at 8 a.m., and this class was abruptly taken out of the curriculum by Mr. Richard Washington, who became principal at that time.

Mrs. COLLINS. In your testimony, you allude to problems that are faced by the coaches in getting hired and receiving fair treatment. Ms. Pride also suggested that this problem occurred in her school. I am asking you, Coach Oates, are you aware of other similar instances, and could you describe the nature of the discriminatory treatment?

Ms. OATES. Most of the coaches in my school—in fact, I believe I am the only one that happens to be female, all the rest are men, and I have even suggested to the principal a number of women outside of the school system who would be happy to serve as coaches, and as of yet he hasn't hired any of them.

Mrs. COLLINS. One of the things that bothers me—first of all, I want to ask a question of the coaches. That is, have you had the experience of finding that recruiters are going out recruiting young men and women who are just finishing junior high school and so forth in order to come to high schools, your high schools or high schools in the District or in Silver Spring, or wherever they may be? Are you aware of those kinds of things happening in recruiting?

Ms. OATES. Yes, I am. In fact, I am one of the only coaches in the District that does not recruit. I do not believe in recruiting young people to come to school to play any kind of sport, and I refuse to do that.

When I first became the coach, the male coach, at Ballou High School, the other coaches came to my school and tried to recruit my team, and I told them, "Take them out of here. If you want to recruit them, take them out of here, because I'm going to take a gym class and beat you, because you have been the problem all along. You have not been the positive role model that you should be, and I'm going to take a gym class and beat you. So take the varsity players out of here, if you want to, but I'm going to beat you anyway."

Mrs. COLLINS. Ms. Gaters, you may recall, last year many of us were very upset because on the front page of one of the newspapers they had this eighth-grade kid who was offered a full ride to go to Mount Carmel in order to play basketball. It was in all of our Chicago papers. That full ride included all kinds of little perks and what-not, and it was alleged, and found to be true, that the school alum gave him checks to pay for his summer tuition and all these kinds of different things. I am just wondering if you are aware of other situations like that in the Chicago area, and anybody come to your school to recruit any of your students?

Ms. GATERS. I am not personally aware of it. Sometimes I get the information second- or third-hand. However, we are prohibited by the Illinois High School Association from recruiting elementary school kids.

Mrs. COLLINS. I wonder if any your students, those in their junior and senior years, experience something that we also saw in the papers. I don't happen to have it here, but it happened in Chicago. Recruiters were coming in to see this young man.

Do we have that article here? May I have it?

Recruiters were trying to recruit this young man to play.

Ms. GATERS. Was that from this year in the spring?

Mrs. COLLINS. This was this year, yes.

Ms. GATERS. Yes, I am familiar with that.

Mrs. COLLINS. He was an eighth-grade basketball star, and he was only 14 or 15 years old. His name was Henderson. "Mrs. Henderson has a message for the Chicago high school basketball community: 'Leave my son alone.'" She said she didn't want to cause any kind of trouble, that she never wanted to talk to a reporter, but she also never expected her son to become the rope in a recruiting tug-of-war, not while he was 15 years old.

What had happened, according to the article in the Chicago Tribune, is that recruiters had been coming to her eighth-grade kid to be recruited in their high school and were frustrating this kid to the point of tears, and his mother said, "Stop it. Just leave my kid alone."

I mean these are horrible things to do to a young kid who is 13, 14, 15 years old.

Coach Speaks.

Ms. SPEAKS. Yes, we have experienced kids being recruited in junior high and high schools, because some of the high schools now start with ninth grade, so they start to recruit them then, and a lot of kids are worried to death, they are pestered, their parents are lied to, and they are pulled out of their neighborhood school—you know, the school in their neighborhood—to go to a school across town.

I work at Coolidge High School, which is in Northwest Washington, in the day time, and coach at Ballou High School, which is in Southeast Washington, in the evening, and a lot of the Southeast kids are at my school in Northwest. They have gone out to Southeast and recruited them and brought them to Northwest Washington.

Mrs. COLLINS. It happens that both of these incidents were around young men. Do these same kinds of recruiting things happen to young ladies?

Ms. SPEAKS. No.

Ms. OATES. Yes.

Ms. SPEAKS. Oh, they do?

Ms. OATES. Yes, they do.

Ms. SPEAKS. Oh, I have never experienced that.

Ms. OATES. Yes. Let me just say that in the District we have a number of coaches, especially over at H.D. Woodson High School, Mr. Bob Heddon. Mr. Bob Heddon recruits all over the city to get his championship teams together. They recruit at Anacostia High School, girls as well as boys.

I had an instance of an all-American, a prospective all-American, young man who wanted to come to Ballou High School because he wanted to play for this woman coach that he had heard about, and when he got to Ballou he was denied admission.

Now, Ballou was his neighborhood school. They were supposed to let him in. But they wouldn't let him in. They advised him to go to Anacostia High School rather than have this young man come to Ballou High School, play for me, and possibly win a championship. Well, we won the championship without him. In spite of all of the efforts to keep him out, we won the championship anyway.

So, yes, we have recruitment of girls as well as boys, yes.

Mrs. COLLINS. Thank you. My time has expired.

Mr. Stearns.

Mr. **Stearns.** Thank you, Madam Chairwoman. I have no further questions of panel one.

Mrs. **Collins.** All right. I want to say first of all to Ms. Pride that, we are pleased that you were a panelist for us, because it seems that when we have these hearings, most of the time, the adults are here, trying to make decisions about what is going to happen to the young people as they go through our education system, be it here at this high school level or at the collegiate level and so forth. But with your being here, giving us the benefit of your experience in gender equity, it has been very meaningful to us.

I particularly liked your last remark on your statement. You said, "I know that these changes cannot possibly occur overnight, but I also know that it is harshly unfair that I, with my 3.75 grade point average and 1200-plus SAT score, will have to sweat out my acceptance to the University of North Carolina, Chapel Hill, while some male basketball player who barely qualifies under Proposition 48, will be relaxed, knowing that he will be accepted at almost any school he wishes to attend." I really think that sums up what this hearing is all about, that this is an unfairness that is in our system in sports for young women your age and older, and I hope that you will continue to fight, with us, to see to it that these inequities become a thing of the past.

I want to thank all of our first panel, because the jobs that you are doing with your young people are certainly very important. It gives them self-esteem, it makes us all proud of them, it surely makes you proud when you have winning teams, but, more than that, in building the character of our young people, you are building America, and I thank you for coming.

Ms. **Oates.** Thank you for having us.

Mrs. **Collins.** We certainly welcome our second panel.

As we have said before, this panel will include Ms. Ola Bundy, who is the assistant executive director for the Illinois High School Association, and Ms. Nancy Benda, who is the director of the Florida Department of Education, Equal Education Opportunity Program, from Tallahassee.

We are going to begin with you, Ms. Bundy.

STATEMENTS OF OLA M. BUNDY, ASSISTANT EXECUTIVE DIRECTOR, ILLINOIS HIGH SCHOOL ASSOCIATION; AND NANCY BENDA, DIRECTOR, EQUAL EDUCATIONAL OPPORTUNITY PROGRAM, FLORIDA DEPARTMENT OF EDUCATION

Ms. **Bundy.** Thank you.

My written testimony tells the complete story of girls' interscholastic sports in the high schools in Illinois, how the program was implemented and has grown since 1969. So my testimony here today will only include some of the highlights.

Before the expansion of the girls' program began in 1969, there were virtually no interscholastic athletic opportunities for high school girls in Illinois. In 1972–1973, the IHSA began conducting State tournaments for girls in three sports, and there were already an estimated 26,500 girls participating in all sports on a Statewide basis.

The IHSA now conducts 12 State tournaments for girls, the most of any State association. In 1991–1992, approximately 85,486 girls participated, representing a growth of over 322 percent in just 20 years. We believe our Illinois high school girls' program, if not the best, is one of America's best.

The dramatic and continuing growth in the program has occurred because of the cooperation between the schools, legislators, the Illinois State Board of Education, and the Illinois High School Association. This cooperation has been founded on a commitment to the common understanding that there are valid, essential educational values for including interscholastic sports in the total educational program of the schools, and therefore interscholastic athletic opportunities should be made available to all students, both boys and girls, on a comparable and equitable basis.

By State law, the IHSA is held accountable, and the IHSA has served as an important ally to the high schools as they have worked toward compliance with Title IX and the Illinois sex equity rules and to the Office for Civil Rights, the Illinois General Assembly, and the State Board of Education, as they have been the enforcement agencies of these Federal and State laws in guiding, monitoring, and evaluating the progress of our schools.

As my written testimony verifies, the growth of girls' programs has not been without controversy and working, even battling on occasion, through difficulties and differences. Regardless, there has always been agreement that the educational goals of the interscholastic athletic programs in the high schools, both for the schools and their student athletes, are best served by providing the greatest number of opportunities to the greatest number of students, both boys and girls.

I wish you could have been there with me on a morning in 1972 that was so cold, the girls could hardly hold their tennis rackets, as they began their matches in the first ever girls' State final tournament; on a day in 1975, when four boys and a girl won the girls' bowling State tournament; when Dorothy Gaters and the girls' basketball team from Marshall High School in Chicago won their first girls' basketball State championship; in 1979, when Jackie Joyner, on her way to becoming Jackie Joyner Kersee, the greatest woman athlete of all time, set a new State record in the long jump at the girls' State final track and field meet.

If you had been there with me, you would know why all of this is important in the lives of our young women and why it is important for us to continue our drive forward in the cause of gender equity in high school girls' athletic programs. As we forge ahead, we are fueled by our past success.

Since delay may be one of the worst forms of discrimination, it is important that the colleges and universities now follow the lead of the high schools in implementing and developing women's intercollegiate athletic programs in the United States and not settle for what may be diversionary tactics at the collegiate level, as reported in this morning's USA Today.

The story of our high school girls interscholastic athletic program in Illinois is not yet finished, and we are looking forward to the sequels in the years 2003 and 2013.

[Testimony resumes on p. 130.]

[The prepared statement and attachments of Ms. Bundy follow:]

STATEMENT OF OLA M. BUNDY, ASSISTANT EXECUTIVE DIRECTOR, ILLINOIS HIGH SCHOOL ASSOCIATION

In 1903, the high school principals established the Illinois High School Athletic Association as a statewide organization to give unity and leadership to emerging interscholastic programs. In the early 1900s, there were some girls' interscholastic athletic programs in Illinois high schools, especially in Girls Basketball.

But from 1912 to 1927, the by-laws of what is now the Illinois High School Association, prohibited its member schools from engaging in girls' interscholastic athletic contests. This prohibition was representative of the belief of the times. Leading educators, women physical educators included, members of the medical profession and society in general, believed that extensive participation in competitive athletics was harmful for girls and women.

In 1920, a few dedicated women physical educators in Illinois, formed the Illinois League of High School Girls Athletic Associations. The League program was primarily intramural in nature and was designed to offer any girl in a high school the opportunity to participate in a variety of, what were considered to be, appropriate extra-curricular sport and dance activities at her own level of interest and ability. Recognizing the worth of such a program, the Illinois High School Association gave the League full financial support and in 1926 became the first State Association in the United States to hire a woman administrator to be in charge of the girls' statewide sports program in the IHSA Office.

In 1927, the high schools emerged only slightly from a conservative view of girls' athletics to approve interscholastic athletic contests for girls in two sports, Girls Golf and Girls Tennis. Girls Archery was added to the list of approved sports in 1935 and, 29 years later, in 1964, Girls Badminton became the fourth sport approved for girls' interscholastic athletic competition in IHSA member schools.

Between the years of 1927 and the early 1960s, the main thrust of girls' sports programs in Illinois high schools came in the form of very sophisticated local Girls Athletic Association (GAA) programs that were a part of the Illinois League of High School Girls Athletic Associations. For its member schools, the League annually conducted a Postal Basket Shooting Contest, Postal Archery Tournament, Telegraphic Swim Meet, Postal Bowling Tournament, three GAA Workshops, statewide Fall and Spring GAA Play Days and two GAA Leadership Camps. The League also maintained a GAA Point System by which local GAA members could earn state GAA awards. High schools could not engage in girls' interscholastic athletic contests in the sports approved except if they were members of the League and conducted those contests in accordance with rules adopted for the League by the IHSA Board of Directors. This meant there was not much happening in girls' interscholastic athletic competition in Illinois high schools, even in the approved sports, and there were only a few schools in the Chicago suburban area participating in a limited number of contests in those sports.

But the dye was already being cast in girls' and women's sports in the late 1950s and early 1960s. Girls and women were beginning to come out from the "dark ages of sport" to take their place on the playing fields and to fight the battle for girls and women in sports. For several years, the Legislative Commission of the Illinois High School Association, at its annual meeting, considered proposals to amend the by-laws that would expand the girls' interscholastic athletic program. Each year, such proposals gained additional support until finally in 1968, the Legislative Commission approved a proposal to amend the by-laws to permit schools to enter girls in two sports days (a modified form of interscholastic athletic competition) per school year in each of six sports, namely Girls Volleyball, Girls Softball, Girls Track and Field, Girls Field Hockey, Girls Swimming and Girls Bowling, in addition to interscholastic athletic contests in Girls Archery, Girls Badminton, Girls Golf and Girls Tennis. This amendment was approved by a majority mail vote of the principals of IHSA member schools and became effective July 1, 1969.

It was soon apparent that the amended by-law represented a "watered down" version of the program that women physical educators who supported an expanded program for girls really thought was adequate. However, they were content to spend the next two years organizing their schools for competition and implementing the new programs, recognizing this as a time for establishing necessary controls, policies and procedures at the local school level.

During the 1970-71 school year, there was again much discussion about whether or not the IHSA program for girls should be further expanded. The question of girls being permitted to play on boys' teams was rumored as a strong possibility, especially if girls were not offered an adequate interscholastic competitive athletic program of their own.

In the spring of 1971, the IHSA Board of Directors approved the mailing of a questionnaire to principals of member schools requesting their opinions on a number of items, including a section referring to girls' participation in interscholastic athletic sports. It was evident that the majority of principals favored an expanded girls' program and opposed girls playing on boys' teams. As a result, the IHSA Board of Directors submitted two proposals to amend the by-laws relating to girls' athletics. Both of the proposals were approved by the Legislative Commission and received a 5 to 1 majority mail vote of the principals for adoption.

One of those by-laws, which became effective immediately upon adoption, stated, "No school belonging to this Association shall permit boys and girls to participate with or against members of the opposite sex in the same interscholastic athletic activity." The other by-law, which became effective

July 1, 1969, included some special provisions and provided for interscholastic athletic contests for girls in Girls Archery, Girls Badminton, Girls Bowling, Girls Fencing, Girls Golf, Girls Gymnastics, Girls Swimming, Girls Tennis and Girls Track and Field, and schools were permitted to enter girls in four sports days per school year in each of five sports, namely Girls Basketball, Girls Field Hockey, Girls Soccer, Girls Softball and Girls Volleyball.

Once again, it was a building and growing time in the girls' interscholastic athletic programs in Illinois high schools. But, once again, what was provided was not enough. The by-laws of the Association were amended again and effective July 1, 1973, unlimited interscholastic athletic contests for girls were permitted in Girls Archery, Girls Badminton, Girls Basketball, Girls Bowling, Girls Fencing, Girls Field Hockey, Girls Golf, Girls Gymnastics, Girls Soccer, Girls Softball, Girls Swimming, Girls Tennis, Girls Track and Field and Girls Volleyball. However, some special stipulations still accompanied these provisions, including the requirements for a school to provide a girls' intramural program, that each sport included in the girls' interscholastic athletic program must be taught by a girls' physical education teacher as part of the girls' physical education curriculum or intramural program, that the girls' teams must be coached by certified women teachers and for the contests to be conducted under the rules prescribed by the Illinois League of High School Girls Athletic Associations which continued to fall under the jurisdiction of the IHSA Board of Directors.

The special rules prescribed by the League included provisions for: (1) registration of women officials to officiate girls' interscholastic athletic contests in Girls Volleyball, Girls Softball, Girls Basketball, Girls Gymnastics, Girls Track and Field, Girls Field Hockey and Girls Swimming; (2) the use of DGWS (Division for Girls and Women's Sports) rules as the official playing rules for all girls' contests; and, (3) that otherwise, the same athletic eligibility and contest rules that applied to boys' would also apply to girls' interscholastic athletic contests in IHSA member schools.

In 1972-73, the Association began an affirmative action plan for implementing state championship tournament series in the girls' sports. In 1972-73, the IHSA conducted the first state tournaments in Girls Tennis, Girls Bowling and Girls Track and Field. Girls Volleyball was added in 1974-75. Girls Golf, Girls Field Hockey, Girls Swimming and Girls Softball were added in 1975-76. In 1976-77, Girls Basketball, Girls Badminton, Girls Gymnastics and Girls Archery were added. Girls Archery was deleted in 1980-81 and Girls Field Hockey was deleted in 1981-82. Girls Cross Country was added in 1979-80 and Girls Soccer was added in 1987-88.

During the 1973-74 school year, the IHSA was involved in a court case involving Diane Bell, a student at Urbana High School, in Urbana, Illinois, who wanted to participate on the Boys Cross Country team. Urbana High School offered seven sports for boys and only three sports for girls and did not offer Girls Cross Country. However, this inequity was overlooked as the court ruled in favor of Diane Bell on the basis of interpretations of provisions included in Title IX of the Educational Amendments of 1972, the Final Regulations of which did not become effective until July, 1975. The court also ruled all of the special provisions of the girls' interscholastic athletic program to be unconstitutional.

The Association did not appeal the decision and IHSA By-laws were amended and effective July 1, 1974, the Constitution and By-laws of the Illinois High School Association were revised to be gender neutral and applied equally to boys' and girls' interscholastic athletic contests. This meant that following provisions were henceforth deleted: (1) prohibition of girls and boys playing with or against each other in interscholastic athletic contests; (2) requirement of women officials for girls' contests; and, (3) requirement of women to coach girls' athletic teams.

Along with these dramatic changes in the girls' program, in 1974-75, the

IHSA adopted the playing rules for girls' interscholastic sports that were published by the National Federation of State High School Associations, the same rules that were used in the boys' program. As a member of the National Federation, the IHSA had the opportunity for input in determining the playing rules and could utilize the accompanying programs and services of the National Federation to help train coaches and officials in their knowledge and application of the playing rules.

The IHSA was then caught off-guard in the 1974-75 IHSA Girls Bowling State Series. With the deletion of the by-law provision that prohibited boys and girls from playing with or against each other in an interscholastic athletic contest, the Terms and Conditions for the Girls Bowling State Series did not prohibit boys from being on the girls' teams. As a result, the 1974-75 Girls Bowling state tournament marks a very dark time for girls' athletics in IHSA member schools because the 1974-75 IHSA Girls Bowling State Championship was won by Dixon High School, from Dixon, Illinois, with a team comprised of four boys and one girl.

As a personal witness of this event, I saw what can happen when boys are allowed to play on girls' teams, even in Girls Bowling. Once again, girls were disenfranchised from even their own athletic program that was designed to meet their separate and unique needs and interests. And, the teams comprised of all girls were devastated and did not have a chance to win the state championship on a fair and equitable basis. After that event, I vowed to do everything I possibly could to make sure there is never a repeat of such a happening in any future IHSA girls' state series tournament.

The statewide response to four boys and a girl winning the Girls Bowling state tournament was overwhelming. The Association heard from parents, principals, student-athletes and members of the media, who let the IHSA Board of Directors know, in no uncertain terms, that boys should not be permitted to play on girls' teams. The Board then adopted a special Term and Condition to prohibit boys on girls' teams, and vice versa, in any IHSA state series.

Prior to 1977-78, officials for the girls' sports were required to register with the IHSA Girls Athletic Officials Department; officials for the boys' sports registered with the IHSA Athletic Officials Department. Beginning in 1977-78, the two officials' departments were merged. From that time on, an official, man or woman, who wished to officiate Boys Basketball and/or Girls Basketball contests in IHSA member schools, for example, would register in Boys/Girls Basketball with the IHSA Athletic Officials Department.

With the recodification of the IHSA Constitution and By-laws in 1976-77, sports seasons were established in the girls' sports. In the immediate following few years, these sports seasons were adjusted several times. Finally, in response to a complaint submitted to the Office for Civil Rights, the IHSA worked cooperatively with OCR to establish the current approved sports seasons in all sports, for both boys and girls.

With the length of sports seasons being the same for boys and girls in the same or comparable sports, the following sports seasons are currently in effect: Fall -- Boys Cross Country, Boys Soccer, Boys Football, Boys Golf, Girls Cross Country, Girls Golf, Girls Tennis, Girls Volleyball, Girls Swimming; Winter -- Boys Basketball, Boys Wrestling, Boys Swimming, Girls Basketball, Girls Bowling, Girls Gymnastics; Spring -- Boys Baseball, Boys Gymnastics, Boys Track and Field, Boys Tennis, Boys Volleyball, Girls Badminton, Girls Softball, Girls Soccer, Girls Track and Field.

1978-79 was the last year for the Illinois League of High School Girls Athletic Associations. With the implementation of interscholastic athletic programs for girls in IHSA member schools, there seemed to be no longer a need for this statewide organization that emphasized development of student leadership and participation in primarily intramural sports at the local school level. Although at times the League was perceived by some advocates of girls' interscholastic athletics to be a stumbling block to achieving a full blown interscholastic program for high school girls, the League will always be credited with serving the needs and interests of girls in athletics for over fifty years, especially during the "dark ages in girls' and women's sports" and for providing educationally sound philosophies and objectives that have served as the foundation and building blocks for the outstanding statewide girls' interscholastic athletic program that exists today in IHSA member schools.

During the 1974-75 school year, a joint committee of representatives from the Illinois State Board of Education and the Illinois High School Association met several times in the IHSA Offices, in Bloomington, Illinois, for the purpose of developing recommendations for the Sex Equity Guidelines, which were prescribed in the Illinois School Code with the intention of their serving as "guidelines" for implementing Title IX in Illinois public school districts. With the Illinois School Reform Act of 1986, these "guidelines" became the Illinois Sex Equity Rules and became "Title IX with teeth" for Illinois public school districts, including the Chicago Public Schools as of revisions that became effective June 29, 1989.

We now had the tools with which to move forward in achieving the goal of providing equal opportunities for girls to participate in high school interscholastic athletic programs in Illinois: (1) Title IX; (2) the Illinois Sex Equity Rules; (3) the commitment and cooperation of the State Superintendent of Schools and the Illinois State Board of Education; and, (4) the commitment and resources of the Illinois High School Association and its member schools. Even with having the needed tools, the job has not been easy. Many obstacles have been overcome and many issues have been faced.

How the girls' athletic programs are implemented at the local school level continues to be a key factor in their success or failure. Few of us personally witnessed the growing pains of the boys' interscholastic athletic programs in the early 1900s, and there are few written accounts to give us guidance. However, we know that two main obstacles in the boys' programs continue to be major problems in the boys' programs today, lack of facilities and lack of finances.

Now, here came the high school girls, asking, and sometimes demanding, that their competitive needs and interests be given equal consideration. These requests came at wrong time or a right time, depending on your outlook. It was a wrong time in terms of school facilities and finances. It was a right time in terms of changing the attitudes and perceptions of society toward girls and women who wished to participate in sports.

What were some of the obstacles that were overcome and issues that were faced in implementing the high school girls' interscholastic athletic program in Illinois?

Sports Seasons -- Having already discussed this issue, I will only mention some highlights in regard to the establishment of the girls' sports seasons. There was certainly some "scratching and biting" going on as Boys Gymnastics was moved to the Spring season and Girls Gymnastics was placed in the Winter season. The length of seasons for the boys and girls had to be the same in identical or comparable sports such as in Girls Golf and Boys Golf, or in Boys Baseball and Girls Softball.

In the beginning, the Girls Basketball state Final tournament was held after the Class A and Class AA Boys Basketball State Final tournaments. Now the Girls State Final is held before the Boys State Final and the Girls Basketball coaches still seem to think the "paper" sport season for Girls Basketball is longer than the actual playing season.

Overall, the arrangement of sports seasons for boys and girls is working well. Now, whenever an adjustment is made in a boys' sport season, the same adjustment is made in the girls' sport season in that sport. When Boys Volleyball was recently added, it was placed in the Spring season so the schools could avoid facility equipment conflicts with the Girls Volleyball program, and to be able to utilize the coaches and officials from the Girls Volleyball program.

Facilities/Equipment -- Gaining "equal access" to the use of facilities for the girls' programs has been a tough obstacle. In the beginning, there was often the "girls gym" and the "boys gym" and the boys gym was usually the big, spectator gym.

As school athletic administrators helped their local Boards of Education to solve the problem of a lack of facilities for both the girls' and boys' programs, it soon became evident that existing facilities must be shared on an equitable basis or additional facilities must be built to accommodate the girls' programs. Regardless, the schools that have been most successful in solving facility problems have been where Boards of Education, school administrators, athletic administrators, coaches, student-athletes and parents have worked together for the good of both the boys' and the girls' programs.

"Prime time" use of facilities is still an issue in many schools. In too many schools, "prime time" for the girls' programs is considered to be Monday and Thursday night contests and "prime time" for the boys' programs is considered to be the traditional Tuesday and Friday nights. In other schools, the "prime time" issue is being solved as the nights for boys' and girls' contests are alternated. If the boys' contests are held on Tuesday and Friday nights one week, the next week the boys' contests will be held on Monday and Thursday nights; if the girls' contests are held on Monday and Thursday nights one week, the next week the girls' contests will be held on Tuesday and Friday nights. Some schools are also beginning to schedule some varsity Boys Basketball games and Girls Basketball games with the same opposing school on the same night, with the junior varsity contests being conducted on a different date.

In the beginning, girls' contests were often scheduled to begin immediately following the end of the regular school day. Such scheduling made it difficult to secure officials for the girls' contests and certainly did not "bring in the fans" who would have to leave work early to be at the girls' contests. Because of these drawbacks, most of the schools now schedule girls' contests to start at the same time as boys' contests.

As Girls Gymnastics programs were being implemented, there were complaints about having to purchase floor exercise mats. The mats used in Boys Wrestling are just as costly and athletic administrators and Boards of Education, at first, thought they should be able to use wrestling mats for the floor exercise event in Girls Gymnastics. It was soon apparent that the wrestling mat was not appropriate and did not encourage the best performance by the girls who participated in the floor exercise event. Virtually all the schools that offer Girls Gymnastics today have floor exercise mats.

Similar problems have been faced and dealt with in almost every sport that has been implemented by the schools in the girls' program. In spite of these problems, on an overall basis, the high schools in Illinois are to be commended for the positive ways they have solved the facility and equipment problems that have arisen as they implement comparable and equitable interscholastic athletic programs for girls.

State Tournament Structures -- In the beginning years of the IHSA Girls Basketball State Series, the Board of Directors experimented with having Semi-state games and advancing only four teams in each class to the Class A and Class AA Girls Basketball State Final tournaments while still advancing eight teams in each class to the Class A and Class AA Boys Basketball State Final tournaments. In the middle of the state series, the IHSA Board of Directors had already received the message, loud and clear, about what people thought of this "experiment." The Board of Directors had already taken action to return to advancing eight teams in each class to the Class A and Class AA Girls Basketball State Final tournaments when the Governor signed a bill that created a state law that required the IHSA, and similar school organizations, to conduct Girls Basketball and Boys Basketball state tournaments under identical tournament structures. The IHSA did not oppose this legislation. In fact, the IHSA has cooperated and complied fully with this state law which has served as a positive lesson in determining state tournament structures for all IHSA state tournaments for both the boys and the girls since that time.

Classification of Schools -- Boys Basketball was the first sport to be classified into two classes, Class A and Class AA, Class A being the schools with smaller student enrollments and Class AA being the schools with the larger student enrollments. Other sports in the boys' and girls' programs have followed suit. There has never been a question about going to the two-class system in a girls' sport when a sufficient number of schools offer the sport in the girls' program.

Finances -- Everyone knows that the schools in Illinois, especially the public schools, are facing real financial problems. School districts are dealing with the problems of deficit spending, cutbacks in curricular offerings, staff reductions, school closings and school consolidations. When school referendums fail, local Boards of Education seem inclined to take action to first cutback on and/or cut out school athletic and activity programs. And, this financial "crunch" time is occurring at the same time schools are implementing girls' interscholastic athletic programs to be in compliance with Title IX and the Illinois Sex Equity Rules.

It takes money to implement a new sport in either the girls' or the boys' athletic program, whether it is in a small school or a large school. Before a sport can be offered, the school district must make sure there is enough money available to cover the program costs, including the costs of coaches, officials, transportation, insurance, trainers, uniforms, supervisory and security personnel, other personnel such as ticket sellers and ticket takers, utilities, facility and equipment preparation and maintenance, and on and on.

But money spent on school athletic and activity programs is money well spent because of the value of such programs in contributing to the overall educational objectives of the schools. School administrators, athletic administrators, coaches, student-athletes, parents and people in the school community need to do whatever is necessary to provide the money that is needed to continue current athletic and activity program offerings and to add new sports, especially for girls, as might be indicated in the results of Sport Interest Surveys conducted by the schools every four years as required by Title IX and the Illinois Sex Equity Rules. As the IHSA's "Pack the Place" promotion campaign in Boys Basketball and Girls Basketball has shown over the past several years, schools can be very innovative and creative in finding ways to attract attendance to high school contests, generate revenue and earn an IHSA Pack the Place banner.

Early on in the expansion in the girls' interscholastic athletic programs, IHSA member schools learned that they could no longer use the "age-old" argument that the boys' programs bring in the revenue as an excuse for not providing girls' programs. Although Title IX and the Illinois Sex Equity Rules do not require equal expenditures in the boys' and girls' programs, the schools must provide comparable and equitable opportunities for both boys and girls to participate in interscholastic athletic competition. As local Boards of Education face the prospect of having to delete some programs for boys in order to be in compliance with these state and federal laws, it is much easier to pass referendums and find other sources of money in the community if the programs are serving the needs and interests of all the students in the school, the needs and interests of the girls as well as the boys.

Since 1926, the Illinois High School Association has provided the financial resources for the statewide program for girls' athletics in its member schools, for the program of girls' athletics that was considered to be appropriate at the time. When times changed, the IHSA changed, and the Association continues to be committed to the achievement of equal and comparable opportunities for girls to compete in interscholastic athletic competition in IHSA member schools. The Association is to be commended for its foresight in having a woman administrator on the IHSA staff since 1926; such foresight certainly has helped the Association to remain focused on the goal of providing programs and services to its member schools in girls' athletics. I am very proud of the fact that in all of my 26 years as a member of the IHSA administrative staff, I can say the IHSA Board of Directors has made its decisions in the girls' program on the basis of what is best and right to do, not on the basis of whether or not the girls' program could or would generate revenues. There has never been a question but that the money for whatever expenditures might be necessary in the girls' programs and services would come from the general funds of the Association, even though the major portion of Association funds are generated through Boys Basketball gate receipts.

Girls On Boys Teams -- Through the years, the Illinois High School Association has been involved in a number of lawsuits and been threatened with lawsuits in instances where a girl wanted to play on a boys' team in a sport because there was no girls' team offered in her school in that sport. The IHSA would become involved when the school used the IHSA state series tournament as an excuse for keeping a girl off of a boys' team during the regular season, citing the provision in the Terms and Conditions for the state series that provided that only boys were permitted to participate in a boys' state tournament.

Since 1974-75, when four boys and a girl from Dixon High School won the IHSA Girls Bowling State Tournament, the Association has been convinced that the best way to achieve equal opportunities for girls in IHSA state tournaments is to maintain separate but comparable state tournaments for girls and boys. In addition, the IHSA does not want a member school to allow a girl to be on a boys' team when the school should be offering that sport for the girls.

In the fall of 1989, the Association's implication in such lawsuits culminated in a suit that involved Tanya Libby, a student at Romeoville High School, in Romeoville, Illinois, who wanted to play on the Boys Soccer team and the school did not offer a Girls Soccer team. In keeping Tanya off the Boys Soccer team, school officials cited conference rules, the Term and Condition for the IHSA Boys Soccer State Series and a lack of sufficient interest for a Girls Soccer team as being the reasons.

An interesting thing happened in this lawsuit. In presenting our case, Association attorneys brought out the fact that the reason of "lack of sufficient interest for a Girls Soccer team" had been based on assumption rather than on the results of a Sports Interest Survey the school had failed to conduct as required by Title IX and the Illinois Sex Equity Rules. When this point was highlighted, the Judge temporarily suspended the proceedings so Romeoville High School could conduct its Sports Interest Survey.

Romeoville High School conducted its survey and the results indicated there were two more girls than boys who were interested in playing soccer. Since the school offered two teams in Boys Soccer and no teams in Girls Soccer, the real problem in this situation was apparent to everyone.

Under a Temporary Restraining Order, Tanya Libby played on the Boys Soccer team from Romeoville High School in the IHSA Boys Soccer State Series. Interestingly enough, the following Spring, Romeoville High School had a Girls Soccer team, including Tanya Libby, that played in the IHSA Girls Soccer State Series.

In the final outcome, the IHSA won the Tanya Libby case on appeal. However, it was the last of many lengthy and costly lawsuits on this issue for the Association. And, even before the Tanya Libby case, the IHSA had been working on an alternative to such costly litigation. It was believed the Association could make better use of its money by providing additional programs services that would benefit all the girls in its member schools.

In seeking an alternative to continued costly litigation, the IHSA worked closely with the Illinois State Board of Education Office in developing a policy that would permit a girl to participate on a boys' team in an IHSA boys' state series in a sport under certain provision. The key provision is that a school may not enter a girl in a boys' state series unless the school receives a letter from the Illinois State Board of Education Office verifying the school's interscholastic athletic programs are in compliance with the Illinois Sex Equity Rules. The policy also includes statements of rationale and philosophy that accurately reflect the position of the Association and its member schools on the issue of girls on boys' teams and boys on girls' teams. A copy of the IHSA AFFIRMATIVE ACTION POLICY FOR GIRLS ON BOYS STATE SERIES TEAMS is included in Appendix B of this report.

Olympian Jackie Joyner-Kersee serves as the Association's greatest example of why the schools should offer separate and comparable athletic teams for girls. Jackie Joyner-Kersee is recognized as being the greatest woman athlete of all time. But our records illustrate that Jackie Joyner might not be where she is today in the world of sport if her only opportunity to participate in track and field at Lincoln High School, in East St. Louis, Illinois, had been on the Boys Track and Field team.

As a Junior, Jackie Joyner set a new state record of 20' 7 1/2'" in the Long Jump event at the 1979 IHSA Girls State Final Track and Field Meet. If Jackie's only opportunity had been on the Boys Track and Field team, she would not even have been entered in the Long Jump event at the Sectional qualifying meet because there were two boys from East St. Louis Lincoln High School whose Sectional performances surpassed Jackie's record breaking performance. In 1980, as a Senior, Jackie successfully defended her individual title in the Long Jump event with a winning performance of 19' 7 1/2". Once again, Jackie would not have had the opportunity to be a State Champion in the Long Jump event if East St. Louis Lincoln High School had only offered one team, the boys' team. In fact, the winning performances of all the girls in all events at the 1980 IHSA Girls State Final Track and Field Meet would not have met the Qualifying Standards for the 1980 IHSA Boys State Final Track and Field Meet. So, it is important that Jackie Joyner had her opportunity to participate and go on to attend college on an athletic scholarship and become an Olympian. But, it is just as important for each of the over 2,000 girls who advance to the IHSA Girls State Final Track and Field Meet each year to have their own separate opportunities. This story is repeated over and over again, every year, in each of the IHSA's girls' state series tournaments in 12 different sports. It is a story that is repeated over and over again, every year, in every IHSA member high school across the state. In the scheme of things, the Association is just as interested in the Suzie Q's who should have the opportunity to participate on their own Fresh-Soph girls' teams at Podunk High School as it is in the Jackie Joyner's, or the potential Jackie Joyner's. The heart warming thing about making this statement is knowing that if Jackie Joyner-Kersee read it or heard it she would understand it and support it.

Just one more illustration before I leave the issue of girls on boys' teams. In 1991-92, 182 IHSA member schools entered the IHSA Girls Golf State Series. That is great and represents growth in the Girls Golf program over the years. The sad thing is that approximately half of the schools entered in the Girls Golf State Series, entered individual girls who play on the schools' Boys Golf teams during the regular season. This means these girls have to meet the boys' performance standards in order to even have the opportunity to be on the boys' team. It means that if the boys on the team are good enough, a girl might never have the opportunity to play. It means other girls in the school who might like to participate on a Girls Golf team do not have the opportunity because they are not good enough to play on the Boys Golf team or would not even think about trying out for the boys' team. It also means that a girl must compete as if she were a boy, that is, she must tee off from the men's tees, which automatically puts her at a disadvantage when competing against boys. It means that the girls who play on Girls Golf teams at other high schools during the regular season do not have the opportunity to compete against the girls who play on the boys' teams during the regular season. It means that a school may be allowing a girl to play on a Boys Golf team rather than to have to provide a Girls Golf team for the girls in the school on a fair and equitable basis. But, the interesting thing to note in all of this is that the IHSA has never received a request for a girl who plays on a Boys Golf team during the regular season to be allowed to compete in the Boys Golf state series. I believe we know why.

Boys On Girls Teams -- In the Fall of 1978, the Illinois High School Association faced yet another challenge to maintain girls' state tournaments for girls only.

Trent Petrie, a Junior at Champaign Central High School, in Champaign, Illinois, wanted to play on the Girls Volleyball team and the school did not offer a Boys Volleyball team. When he was not allowed to participate, Trent Petrie, sued Champaign school district and the Illinois High School Association. Ironically, the same Judge that ruled against the IHSA in 1973-74, in the case of Diane Bell, the student at Urbana High School who wanted to participate on the Boys Cross Country team, ruled in the Association's favor in the case of Trent Petrie. I like to think of Judge Little's ruling in the Petrie case as an enlightened ruling -- his daughter was a member of Champaign Central High School's Girls Volleyball team at the time.

Judge Little's decision was subsequently appealed and the Association again received a favorable ruling from the Appellate Court of the State of Illinois. The Appellate Court ruling clearly established that the Illinois High School Association has a "compelling state interest" in maintaining girls' state tournaments for girls only. The ruling has supported the Association's position on the issue of boys participating on girls' teams in IHSA member schools since that time.

Awards and Trophies -- The Association used to present huge trophies and special gold basketball awards at the Boys Basketball State Final tournaments. These trophies and awards were different from even the awards and trophies presented in the other boys' sports.

It took a few years until finally, with the beginning of the Girls Basketball state tournament series, the IHSA Board of Directors adopted a policy of awards and trophies in all boys' and girls' state series that provided for the same number and size of awards and trophies to be presented at the various level tournaments in a state series.

The trophy companies also had to make adjustments to accommodate the girls' program. In 1974-75, for the first IHSA Girls Volleyball state series, the "feminine-looking" male figures on the Regional and Sectional plaques had to be replaced with "definitely" female figures.

Playing Rules -- It took a long time for women physical educators and women coaches in Illinois to forgive the Illinois High School Association for adopting National Federation rules for the girls' sports programs in IHSA member schools. There may still be some women who will never forgive the IHSA.

The Division for Girls' and Women's Sports, the forerunner of the current National Association for Girls and Women in Sports, an affiliate organization of the American Alliance for Health, Physical Education, Recreation and Dance, had long been "the" advocate organization for girls' and women's sports programs. Although the focus of DGWS had changed over the years, from an emphasis on intramural and recreational sports to working for equal opportunities for girls and women to participate in interscholastic, intercollegiate and other competitive athletic opportunities in all sport venues, the Division for Girls and Women's Sports had long been recognized as the organization that existed to serve girls and women in sports when nobody else cared.

DGWS published rules books and guides in virtually every sport for girls' and women. You name the sport and if girls and women were participating in the sport, DGWS published a rule book in that sport. Primarily women served on the rules writing committees of DGWS and women physical educators across the country had input into the DGWS rules. In addition, DGWS offered training clinics for officials, and had a system of rating officials through local DGWS Boards of Officials in each state. To be rated, an official had to take a practical and a supervised, closed-book rules examination. The level of proficiency of the official was reflected in the rating the official received.

In the beginning, the Illinois High School Association utilized the DGWS Boards of Officials in Illinois to train and rate officials for the girls' program. However, because the DGWS Boards of Officials answered to DGWS, the IHSA did not have input into the rules, per se, and the IHSA could not gain access to the rules exams for use on a statewide basis, the Illinois High School Association had no alternative but to adopt the rules published by the National Federation of State High School Associations. Adopting National Federation rules meant Illinois coaches, officials and the IHSA would have input into the writing of the rules that would govern the high school girls' contests in a sport. It also meant the IHSA could use the rules training programs and rules examination services provided in a sport by the National Federation. Even the National Federation, after a couple of years of publishing separate rules books for girls' had to abandon its good intentions and begin publishing rules books in a sport for both boys' and girls' interscholastic competition. Why? Because it was too confusing for officials who were officiating both high school Boys Basketball and Girls Basketball games to know whether or not the separate rules books really included any separate rules for the boys' and girls' contests. Now, for example, the National Federation Track and Field Rules Book includes rules for the pole vault event, which is a boys' event, and rules for the 800-medley relay, which is a girls' event in Illinois. The rules for the hurdle events include the different hurdle spacings for boys and girls; the rules for the discus event include the different specifications for the discus, etc.

Regardless of the difficulties encountered in the transition from DGWS to National Federation rules in the girls' program, the Illinois High School Association will forever be indebted to the women of the Division for Girls and Women's Sports and the Illinois Division for Girls' and Women's Sports, for their leadership, guidance, dedication, devotion and hard work in helping the Association get off to a great start in the girls' interscholastic athletic program in IHSA member schools.

Officials -- In the beginning, the IHSA required that only women could officiate girls' athletic contests in its member schools. This requirement was lost in Judge Little's ruling in the Diane Bell court case.

Even if the IHSA had not lost that court case, the Association would have had to resort to using men officials in the girls' sports because of the great number of officials that were needed to service the program almost overnight.

Of course, what was feared did happen. Too many of the officials who began to officiate girls' games, were officials who were not good enough to secure boys' game contracts. Too many of these officials did not take their job seriously for a girls' game. There were many reports of officials who hurried with the girls' games, which were held after school, so they could rush off to officiate a boys' game that same evening. In 1977-78, when two officials' departments were merged into one department, over 5,000 men officials from the Boys Basketball program were poured into the Girls Basketball program. As a result, in 1992-93, of the approximately 3,647 officials registered in Boys/Girls Basketball, only 72, or 1.9 percent, are women.

The IHSA is experiencing a lack of registered officials in all sports, for both boys and girls. However, the Association is especially concerned about the lack of women officials, especially in the girls' sports.

Officials' fees have always been a sensitive issue in the girls' program. Acting in accordance with the Illinois Sex Equity Rules, the Association has shown leadership in establishing officials' fees in its state tournaments. For example, the officials in the IHSA Boys Basketball state series receive the same fees as the officials in the IHSA Girls Basketball state series. The same holds true in other same or comparable state series for boys and girls.

And, where did the complaints come from about the Association's establishing "equal pay for equal job" for the officials in the boys' and girls' state tournaments? You've got it! The complaints came from the officials in the Boys Basketball state series who thought that a Super Sectional game in Boys Basketball was more important and difficult to officiate because of the larger number of spectators than a Sectional game in Girls Basketball. And, don't forget, the officials in Boys Basketball deserve some extra compensation because they must move up and down the floor faster because the "pace of play" is faster in a Boys Basketball game than it is in a Girls Basketball game! Ha!

Member high schools have followed the Association's lead in establishing the same officials' fees for boys' and girls' contests in the same sport except in Boys Basketball and Girls Basketball. Although much progress has been made in this area, particularly in the Chicago suburban high schools, too many schools are simply waiting until someone specifically tells them to change, or until the Illinois State Board of Education Office receives a complaint and a school is involved in an Illinois Sex Equity Rules compliance review.

I will not even get into the tough times the women officials have gone through, even in the girls' programs, except to relate the experience of one woman official in Girls Volleyball. The official's first name did not clearly indicate she was a woman and she signed a contract to officiate a Girls Volleyball match at an IHSA member school in the northwest part of the state.

When she showed up to officiate, the male athletic director paid her off and sent her packing, stating, "I won't have a woman official in my gym, I don't care if it is for a girls' game." Did this woman have grounds for a lawsuit? You bet! She opted instead to go where she was wanted.

As Nate Anderson, a minority male administrative staff member of the Michigan High School Athletic Association stated during a recent presentation at the National Federation Annual Meeting, in Nashville, Tennessee, "People will go where they are invited and they will stay where they are welcomed and appreciated."

Coaches -- In the beginning, all the coaches in the girls' program were women because of a special IHSA requirement. This was another requirement that was lost in the Diane Bell court case.

Once again, even if the IHSA had not lost the Diane Bell case, IHSA member schools would have had to employ men coaches for their rapidly growing girls' interscholastic athletic programs. But, once again, the thing that was feared, happened.

A recent survey of varsity girls' athletic teams in IHSA member schools, indicates that only 1,621 out of 3,955, or 41 percent, of the head varsity coaches in girls' sports are women. The best scenario for women head coaches is in Girls Volleyball where 501 out of 674, or 74.3 percent, of the head coaches are women. In Girls Basketball, 192 out of 637, or 30.1 percent, of the head coaches are women. In comparison, in Boys Basketball, 2 out of 721, or 0.3 percent, of the head coaches are women. A copy of the REPORTS OF THE INVOLVEMENT OF WOMEN IN THE GOVERNANCE STRUCTURE AND IN THE BOYS AND GIRLS SPORTS PROGRAMS OF THE ILLINOIS HIGH SCHOOL ASSOCIATION is included in Appendix F of this report.

During the first several years of the girls' programs, coaches of girls' teams faced many challenges. They had to do battle to establish the girls' athletic programs in the first place. They had to fight for the use of school facilities. They had to fight to get the money to operate their girls' programs as well as fight to receive "equal pay for equal job" which was a hard pill for the boys' coaches to swallow. It may sound as if there was a lot of fighting going on. There was! And, there are still many girls' coaches around who still bear the scars from the battle and have plenty of "war stories" to tell. There are still too many girls' coaches today who have to fight the same battles over and over again. Sometimes I want to say, "Don't you get it?"

Many women coaches experienced "burn out" in the first several years of coaching girls' teams. In one downstate small school, one woman coached six different girls' sports. She did it because the girls would not have had the programs if she had not coached six sports. She did it because she was committed to the cause of girls in sports.

In the early years, the coaches of girls' teams were expected to perform overnight miracles. Because they had a couple weeks of practice, had new school uniforms, a place to play and an opposing team, the girls were expected to come onto the floor and play "real" basketball (interpreted as meaning basketball like the boys play it) in their very first interscholastic Girls Basketball game.

If I could have been granted two wishes in the beginning years of the girls' interscholastic athletic program in the high school in Illinois, I would have wished for the coaches of the girls' teams to have received the appreciation they deserved for their patience, courage, dedication and their great spirit as they helped their athletes to develop the playing skills they needed to be competitive. My second wish would have been that the girls' coaches be allowed the same kind of time period that I am sure the coaches of the boys' teams received in the early 1900s to build and develop their teams and programs. Instead, everything in the girls' program happened overnight.

Overall, the coaches of the girls' teams are to be commended for what they have accomplished in just over 20 years. The high school girls' athletic programs in Illinois are recognized as being among the best in the nation and many of the young women who participate are highly recruited for women's teams at the intercollegiate level.

Best of all, with the help of the coaches, girls in Illinois now enjoy opportunities to participate on interscholastic athletic teams representing their schools, opportunities to ride in the big, yellow school "team" buses to away contests, opportunities to receive college scholarships and opportunities to become State Champions.

Media Coverage and Publicity -- There were only a few members of the news media on hand to cover the first-ever 1973 IHSA Girls State Final Track and Field Meet. Just 21 years later, the press box and the stadium were loaded with reporters and photographers at the 1993 IHSA Girls State Final Track and Field Meet. But, such media coverage and publicity in the high school girls interscholastic athletic programs in Illinois did not just "happen" and there is still much to be done in order for the girls' programs to receive the media coverage and publicity they deserve, especially girls' interscholastic contests during the regular season at the local school level.

Since 1973, the Illinois High School Association has been fortunate to have a "real pro" on the IHSA administrative staff to be in charge of media coverage and publicity for all IHSA athletic and activity programs. Assistant Executive Director Jim Flynn is a media professional and he has done an outstanding job in building statewide media coverage and publicity for the IHSA's girls' interscholastic athletic programs.

As a result, the IHSA mails out just as many press releases in the girls' programs as it does in the boys' programs. Press credentials and instructions to the media are issued through the IHSA Office for every girls' State Final tournament. Souvenir programs are published for every girls' State Final tournament. Results are promptly telephoned or faxed to the media at every girls' State Final tournament. Telephone hotlines are provided and monitored at every girls' State Final tournament so members of the media can call in for local results. Records are kept and record books are published and sent to the media in all the girls' sports. Jim and other IHSA staff members are on hand at the Girls Volleyball and Girls Basketball State Final tournaments to provide the media with play-by-play results and statistics immediately following each game/match. Press interviews are conducted immediately following each game/match at the Girls Volleyball and Girls Basketball State Final tournaments. Final Results are sent to every IHSA member school that qualifies competitors or teams for every girls' State Final tournament. The IHSA televises the State Championship matches/games in nine girls' sports on a statewide cable television network. The girls' programs, coaches of girls' sports and young women athletes are often featured on the statewide IHSA Sports Report radio broadcasts. Official IHSA photographers at girls' State Final tournaments provide photographs for use in IHSA publications. The IHSA Broadcast Policy and the IHSA Television Policy apply equally in all girls' state series tournaments. The IHSA also has a News Media Advisory Committee that makes recommendations to the IHSA Board of Directors in all areas of the girls' and boys' programs that involve media coverage and publicity.

In spite of all this, things have not always been, and are not always, "peachy keen" with members of the media in the girls' sports programs. In the beginning years of the Girls Basketball state tournament series, members of the media were merciless in their attacks on the women officials. In Girls Volleyball, photographers thought they should be able to lean against the guy wires for the net standards to take their pictures. In the early years, in Girls Swimming, a photograph appeared in a Chicago suburban newspaper of a girl struggling to keep on a "tank" suit during competition. In Girls Track and Field, following the Girls State Final Meet, a Chicago newspaper gave good coverage of the meet but the photographs were of girls on a relay team who were crying because they had been disqualified, and of girls whose performances did not qualify for the finals. The following week, in the same leading newspaper, the photographs from the Boys State Final Track and Field Meet were of boys during their winning performances.

One time, when I was telephoning results from the Girls State Final Swim Meet to the wire services, the young man who was taking the results kept commenting about the times not being very good. Finally, when I gave the results of one of the events, he stated, "Even I can do better than that." To which I quickly responded, "Who cares? Just take the results and print them!"

The greatest challenges in the area of media coverage and publicity in the girls' interscholastic athletic programs, occur at the local school community level during the regular season. Night after night, the results of high school Boys Football games and Boys Basketball games are given on television. There is hardly ever any mention of the high school Girls Volleyball matches or Girls Basketball games. Stories and photographs from high school boys' games and meets appear on a daily basis in the newspapers across the state. In addition, there are often articles leading up to the big game, invitational or tournament coming up for the high school boys that let readers know the exact date, time and place of the "big" game and which spark interest in the event.

Many members of the media still believe that greater coverage of the high school girls' (and college women's sports) would mean fewer readers, fewer listeners and fewer viewers. At least one sports editor, Bob Frisk, from the Arlington Heights Herald, a leading Chicago suburban area newspaper, does not agree with that theory. Bob Frisk is convinced that more coverage for the high school girls' sports programs means more readers.

On an overall basis, the IHSA has made great progress in the area of media coverage and publicity for girls' interscholastic athletics in IHSA member schools. And, although the coverage and publicity received is not always satisfying, as my colleague Jim Flynn often reminds me, "You can't argue with people who buy ink by the barrel."

Cheerleading -- There are still a significant number of small high schools in Illinois who do not offer Girls Basketball. In fact, in 1991-92, approximately 100 fewer IHSA member schools offered Girls Basketball than offered Boys Basketball.

When I have sometimes asked why these high schools do not offer Girls Basketball, the answer has come back that the girls would rather be the cheerleaders than play Girls Basketball and they can't do both.

It has been interesting to note that many of the high schools that are not in compliance with Title IX and the Illinois Sex Equity Rules always want to count cheerleading as a sport offering for the girls. Of course, this is not permitted since cheerleading is interpreted as being a "non-athletic" activity and cheerleading, pom pon/drill teams, pep bands and marching bands as being support activities that add to the festivities at high school contests.

Again, it is surprising how many schools do not realize that the Illinois Sex Equity Rules provide that both boys and girls must be given the opportunity to try out for the cheerleading squads, and that the cheerleaders should be the "spirit leaders" at girls' games as well as the boys' games. And, what about the pom pon/drill teams and the pep bands? Having these support groups perform at girls' contests would really add some festivity to these event.

What is the current status of the high school girls' interscholastic athletic program in Illinois?

In 1972-73, there were approximately 795 IHSA member high schools (which was before the Catholic high schools in Chicago became members of the Illinois High School Association). During the 1972-73 school year, an estimated 180,000 boys participated in interscholastic athletic competition in IHSA member schools. 1972-73 marked the first year the IHSA conducted "first-ever" girls' state tournaments in 3 sports, in Girls Tennis, Girls Bowling and Girls Track and Field. During that school year, an estimated 26,500 girls participated in interscholastic athletic competition in IHSA member schools.

In 1991-92, approximately 85,486 girls participated in interscholastic athletic contests in 12 sports in 796 IHSA member schools. The same year, approximately 167,322 boys participated in interscholastic athletic contests in 12 sports in IHSA member schools. This represents a growth of over 322 percent in the number of girls participating in 1991-92 as compared with the number of girls who participated in 1972-73.

In 1991-92, there were approximately 4,558 offerings in the boys' interscholastic athletic programs in 796 IHSA member schools. In the same school year, there were approximately 3,888 offerings in the girls' interscholastic athletic programs in Association member schools.

These figures tell the story of the growth in the high school girls' interscholastic athletic programs in Illinois from virtually "0" offerings and "0" participants in 1969-70, the year the IHSA began its affirmative action plan to expand the girls' program. It should also be noted that the Illinois High School Association and its member schools began the expansion of the girls' program before Title IX existed and before the Title IX Final Regulations became effective in July of 1975. However, Title IX and the Illinois Sex Equity Rules have certainly kept the girls' program moving rapidly forward in the right direction.

In 1991-92, the Illinois High School Association conducted 12 state athletic tournaments for boys and 12 for girls, the most that any State Association offers for girls. Currently, IHSA state tournaments for boys include: Boys Baseball, Boys Basketball, Boys Cross Country, Boys Football, Boys Golf, Boys Gymnastics, Boys Soccer, Boys Swimming, Boys Tennis, Boys Track and Field, Boys Volleyball and Boys Wrestling. Currently, IHSA state tournaments for girls include: Girls Badminton, Girls Basketball, Girls

Bowling, Girls Cross Country, Girls Golf, Girls Gymnastics, Girls Soccer, Girls Softball, Girls Swimming, Girls Tennis, Girls Track and Field and Girls Volleyball. A copy of the 1991-92 INTERSCHOLASTIC ATHLETIC PARTICIPATION IN 769 IHSA MEMBER HIGH SCHOOLS is included in Appendix A of this report.

In the 105 Chicago public and non-public high schools alone, in 1992-93, there were 606 interscholastic athletic program offerings for boys and 506 program offerings for girls. These figures represent amazing growth in the girls' interscholastic athletic programs in the Chicago high schools, especially when you consider the financial and other resource problems the Chicago Public League high schools have faced for the past several years. A copy of the Chicago Public and Non-Public High Schools Sports Comparison Based On 1992-93 IHSA Member School Directory Information is included in Appendix D of this report.

What does the future hold for girls' interscholastic athletic programs in Illinois high schools?

The 1991-92 participation figures indicate there are still 81,836 fewer girls than boys who have opportunities to participate in interscholastic athletic competition in IHSA member schools; and, there are 670 fewer program offerings for girls than for boys. These figures sound a clarion call -- there is still much to be done if girls' interscholastic athletic programs in IHSA member schools to achieve parity with the boys' programs.

The Illinois High School Association will continue to work closely with the Illinois State Board of Education Office to: (1) encourage and promote full compliance with Title IX and the Illinois Sex Equity Rules by IHSA member schools in the conduct of their interscholastic athletic programs; (2) provide assistance and resources to help sponsor Educational Equity conferences; and, (3) refer compliance questions and complaints in the school athletic programs to ISBEO since it is the enforcement agency for the Illinois Sex Equity Rules. The IHSA will continue to heartily support the mission of the Illinois Sex Equity Rules.

The IHSA will continue to seek ways to recruit coaches, especially women coaches, for the girls' programs. As in the past, the Association is committed to working with and assisting the Illinois Girls Coaches Association and its affiliate girls' coaches association, and the Illinois Coaches Association, in conducting conferences that address the issues, provide unity of purpose, provide leadership assistance and recognition for the coaches in the girls' program.

The IHSA will continue to seek ways to recruit officials, especially women officials, for the girls' programs. As in the past, the Association is committed to working with local officials' associations to provide officials' clinics and assist in training and evaluation of officials in the girls' programs.

The Association believes the girls' who are participating in interscholastic athletic programs are the best source of future coaches, officials and athletic administrators in the girls' programs. It is now time for those who have had the opportunity to participate to give something back to the programs they have enjoyed. In this way, the Association will be able to reverse the trend and more women will have the opportunity to be involved in the girls' programs at every post. For, it is important that interscholastic athletic participation experiences be just as meaningful in the lives of young women as they are in the lives of young men.

As IHSA member schools have worked and continue their efforts to be in compliance with Title IX and the Illinois Sex Equity Rules in the conduct of their interscholastic athletic programs for boys and girls, they have looked, and will continue to look to the Association for leadership and guidance.

The Illinois High School Association is committed to the cause of providing equal opportunities for girls to participate in interscholastic athletic programs in IHSA member schools. IHSA Executive Director H. David Fry, is committed to this great cause in girls' interscholastic athletics and I am confident he will provide the needed leadership to the IHSA Board of Directors and the Association's member schools that will keep this project on course and moving forward. In addition, as a newly elected member of the Executive Committee of the National Federation of State High School Associations, Dave Fry will also have the opportunity to further the cause for equity and parity in high school girls' interscholastic athletic programs on the national level.

In conclusion, there is an old addage, "Where there is a will, there is a way." The "will" of the Illinois High School Association in this great cause will find the "way" to accomplish the task. Future opportunities for girls and women to participate and be involved in high school girls' interscholastic athletic programs in IHSA member schools are assured. And, why is this assurance so important? Because the lives of the thousands and thousands future Suzie Q's and Jackie Joyner's will be enriched and be just that much better because they had the opportunity to participate in girls' interscholastic athletic programs in high school and reap the educational values inherent in such participation. That is what all of this Illinois story has been about!

It has been my privilege, as an IHSA administrative staff member, to be involved in the development of girls' interscholastic athletic programs in IHSA member schools during the past 26 years. It is a great honor to be invited to appear before you to tell THE ILLINOIS STORY OF HIGH SCHOOL GIRLS INTERSCHOLASTIC ATHLETIC PROGRAMS. Thank you!

APPENDIX A

1991-92 INTERSCHOLASTIC ATHLETIC PARTICIPATION IN 769 IHSA MEMBER HIGH SCHOOLS

Boys Sports	No. of Schools	No. of Participants
Boys Baseball	634	22,140
Boys Basketball	743	24,712
Boys Cross Country	377	6,938
Boys Football	552	46,803
Boys Golf	392	6,544
Boys Gymnastics	55	1,137
Boys Soccer	246	10,423
Boys Swimming	238	4,944
Boys Tennis	281	6,150
Boys Track and Field	594	20,813
Boys Volleyball	66	1,077
Boys Wrestling	380	15,641
Totals	4,558	167,322

Girls Sports	No. of Schools	No. of Participants
Girls Badminton	69	1,865
Girls Basketball	654	15,402
Girls Bowling	80	1,142
Girls Cross Contry	331	4,109
Girls Golf	182	965
Girls Gymnastics	102	1,967
Girls Soccer	124	2,883
Girls Softball	561	13,291
Girls Swimming	234	4,726
Girls Tennis	273	5,475
Girls Track and Field	574	15,214
Girls Volleyball	704	18,447
Totals	3,888	85,486

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APPENDIX B

(From the 1992-93 IHSA Official Handbook, Pages 108-111)

24. IHSA AFFIRMATIVE ACTION POLICY FOR GIRLS ON BOYS STATE SERIES TEAMS

For a number of years, one of the major concerns in interscholastic athletics has been the provision of equitable participation opportunities for high school girls. As you know, the Association and its member schools have made great progress in this area over the years, but the issue continues to be with us.

Consequently, the IHSA Board of Directors maintains the following policy that provides parameters under which a member school and the IHSA may permit girls to participate in an IHSA boys athletic state tournament series.

Statement of Policy

A member school will be permitted to enter a girl in the IHSA boys state tournament series in a sport:

a. if the member school is in compliance with the Illinois Sex Equity Rules; and
b. if the only team in the sport available at the member school is a boys team; and
c. if a girl participates on the boys team during the regular season in that sport.

Procedures for Policy Implementation

The following procedures for implementation of this policy have been established in cooperation with the Illinois State Board of Education in keeping with the Illinois Sex Equity Rules.

Affirmative Action Policy continued...

STEP 1: IF YOUR SCHOOL WISHES TO ENTER A GIRL IN AN IHSA BOYS ATHLETIC STATE TOURNAMENT SERIES — your Principal/Official Representative must obtain a letter from the Illinois State Board of Education Office verifying that your school is in compliance with the Illinois Sex Equity Rules. To obtain this letter of verification, send a written request to:

Dr. Richard Basden
Public School Approval Section
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777

STEP 2: AFTER YOUR SCHOOL RECEIVES THE LETTER OF COMPLIANCE VERIFICATION FROM THE ILLINOIS STATE BOARD OF EDUCATION OFFICE — your Principal/Official Representative must send a copy of it along with a letter requesting permission for a girl to participate in an IHSA boys athletic state tournament series to:

Mr. H. David Fry
Executive Director
Illinois High School Association
2715 McGraw Drive
P.O. Box 2715
Bloomington, Illinois 61702-2715

NOTE: IF YOU HAVE QUESTIONS ABOUT WHETHER OR NOT YOUR SCHOOL'S INTERSCHOLASTIC ATHLETIC PROGRAM IS IN COMPLIANCE WITH THE ILLINOIS SEX EQUITY RULES AND/OR TITLE IX — contact:

Ms. Patricia Poole, Manager
Equal Education Opportunity Section
Illinois State Board of Education
100 West Randolph, Suite 14-300
Chicago, Illinois 60601-3405
(312) 814-3226

Illustrations of Policy Application

1. If a member school offers both a boys team and a girls team in a sport, that school will be permitted to enter a girl in the IHSA girls state tournament series only in that sport, even though the boys and girls tournaments may occur in different seasons.

2. If a member school offers a boys team, but no girls team, in a sport, that school will be permitted to enter a girl in the IHSA boys state tournament series in that sport, provided the girl has participated on the boys team in that sport during the regular season.

3. If a member school does not offer a boys team or a girls team in a sport in which the IHSA sponsors both a boys and a girls state tournament series, and in which students may compete for individual honors, the school will be permitted to enter a girl in the girls state tournament series only.

4. If a member school offers a girls team but no boys team in a sport in which the IHSA sponsors both a boys and a girls state tournament series, the school will be permitted to enter a girl in the girls state tournament series only.

5. If a member school offers a boys team but no girls team in a sport in which the IHSA sponsors both a boys and a girls state tournament series, and in which students may compete for individual honors, the school will be permitted to enter a girl in the boys state tournament series provided she has participated on the boys team in that sport during the regular season. The school may elect to enter the girl to compete for individual honors in the IHSA girls state tournament series in that sport. However, a school will not be permitted to enter a girl in both the IHSA boys and girls state tournament series in that sport.

6. If a member school does not offer a boys team in a sport in which the IHSA sponsors only a boys state tournament series and in which students may compete for individual honors, the school will be permitted to enter a girl in the IHSA boys state tournament series in that sport.

7. A member school will not be permitted to enter a boy in an IHSA girls state tournament series in any sport.

Statements of Rationale and Philosophy Underlying the Policy

Since 1974-75, when Dixon High School won the IHSA Girls State Bowling Tournament with a team comprised of four boys and one girl, the Terms and Conditions for all IHSA athletic state tournament series have included a provision that only girls may participate in the girls state series and only boys may participate in the boys state series. This policy was established as affirmative action to

Affirmative Action Policy continued...

ensure equitable athletic participation opportunities for high school girls. During the past several years, this provision has been challenged through litigation and proposed legislation.

Pursuant to a two-year study of this issue, we remain convinced that the IHSA's overall philosophy and goal to provide separate but comparable athletic opportunities for girls should not be abandoned. However, there is agreement that: 1) in some instances, we must recognize the small school's problems in trying to furnish two teams, one for girls and one for boys, in a sport; and 2) there should be specific provisions by which the immediate needs of an individual girl, lacking available opportunities to participate in given sports, may be accommodated.

We believe the IHSA Affirmative Action Policy for Girls on Boys State Series Teams will be more effective and will accomplish vastly more on behalf of female student-athletes in the schools of Illinois than any remedies litigation and/or additional legislation can offer. The Policy will achieve more and sacrifice less in the process.

In addition, we believe the following statements are pertinent to a viable, lawful and educationally sound interscholastic athletic program on the secondary level.

1. It is important that educators and school administrators, who are experienced experts in the field of interscholastic athletic competition, have the freedom to prescribe the policies that best serve the needs of some 240,000 boys and girls in the 782 IHSA member high schools of Illinois. State laws and litigation which may be well meaning but perhaps focused on a special vested interest or an isolated instance, should be last resort measures to rectify a problem caused by an inappropriate rule or policy.

2. In response to the encouragement of a Joint Committee of the General Assembly in 1987, and with the recommendation of a special Blue Ribbon Committee during 1988, the IHSA has now established a Public Liaison Committee. It is the function of this Committee to address issues such as the one about which the IHSA Affirmative Action Policy is concerned. This committee will give such issues strict scrutiny and mandate that the IHSA address them directly, correctively and in a timely fashion.

3. Parameters to permit boys to compete on girls interscholastic athletic teams as well as permit girls to participate on boys teams would cause irreparable harm to existing and future girls athletic programs in IHSA member schools by allowing boys to replace girls on school athletic teams, especially those in sports in which boys teams are not regularly maintained (i.e., badminton, bowling, softball, volleyball, etc.). Further, schools would not be motivated to provide equal and comparable interscholastic athletic programs for girls as well as boys if they could simply accommodate an occasional girl who was sufficiently skilled in a sport to qualify as a member of a boys team. Participation opportunities for girls would suffer greatly under such circumstances. We are committed, instead, to promoting and fostering equitable and comparable opportunities for girls in interscholastic athletics and we are convinced the provisions of the IHSA Affirmative Action Policy effectively accomplish this goal.

4. To permit participation on a team by only a given percentage of student-athletes of the opposite sex of students for which the school team is intended would still be a discriminating factor. One boy, as a pitcher on a girls softball team, for example, could readily dominate and change the outcome of a girls softball game.

5. Being named in the School Code of the State of Illinois as an organization to be specifically consulted, the Illinois High School Association has worked very closely with the Illinois State Board of Education and the General Assembly in the promulgation and implementation of the initial Sex Equity Guidelines and the current Illinois Sex Equity Rules. We believe this specifically appointed role for the Illinois High School Association presents the Association with a compelling governmental interest in making sure that girls have equal access to the athletic state tournament series sponsored by the IHSA.

6. The Illinois Sex Equity Rules, as well as Title IX, require each school to have a written sex equity policy and a written grievance procedure whereby a female student-athlete may pursue complaints of discrimination on the basis of sex in the interscholastic athletic programs offered by a school system. The required grievance procedure must be reasonably communicated to the students and parents in a school system and must provide for an appeal process through the Regional Superintendent to the State Superintendent of Education. We are convinced that if Title IX, the Illinois Sex Equity Rules and the administrative remedies they prescribe are properly implemented and administered, costly and unnecessary litigation on behalf of a female student-athlete in the area of sex discrimination would be virtually eliminated.

7. We believe separate but comparable programs of athletic competition for high school girls and boys are beneficial to both sexes. In the context of this philosophy IHSA has, over the past sixteen years, established twelve athletic state tournaments for girls to provide parity with the eleven state tournaments the Association currently offers for boys.

Affirmative Action Policy continued...

8 We believe that many female student-athletes who have the ability and are willing to pay the price in terms of long hours of practice and adherence to academic eligibility standards may not be able to participate on an athletic team representing their school. Many schools have been unduly slow to initiate or expand girls athletic programs and thereby might not be complying with the mandates put forth in federal and state laws, specifically Title IX of the Education Amendmants of 1972 and the Illinois Sex Equity Rules of the School Code of the State of Illinois. Even greater denial of equal and comparable opportunities to female athletes may be caused by participation by girls on boys teams where the school does not offer a girls team in a sport. This practice could curtail the establishment of overall equitable and comparable athletic opportunities for girls to participate in school athletic programs.

9 On the basis of the results of their student athletic interest surveys required by both Title IX and the Illinois Sex Equity Rules, schools must allocate funds, facilities, equipment and personnel to girls athletics on the basis of the number of participants, squads and contests. Schools should be encouraging the growth of an emerging girls program while striving for the continued good health of the boys program. Girls athletic teams should be given no more or no less consideration than boys teams.

10 A fact that cannot be denied is that, if girls competed against boys in athletic competition, some girls might be able to beat some boys sometimes, but most boys will be able to beat most girls most of the time. It must then follow that girls generally would be eliminated from a school sports program if competition for team membership were open to both boys and girls. The exceptionally talented girl could perhaps survive — and may even surpass some boys in isolated cases. But, the physical and competitive needs of the vast majority of girls could not be satisfied by joint membership of boys and girls on the same team.

11 The IHSA has cooperated fully with the Office of Civil Rights in making sure the sports season limitations and the rules and regulations governing interscholastic athletic competition for boys and girls in IHSA member schools are in compliance with Title IX of the Education Amendments of 1972.

APPENDIX C

Schools Entering IHSA Series Yearly

Boys State Series

*1st Year of State Series (Note: Year listed designates sport season chronology in a given school year.)

School Year	Baseball *1940	Basketball *1908	Cross Country *1946	Football *1974	Golf *1916	Gymnastics *1958	Soccer *1972	Swimming *1932	Tennis *1912	Track *1893	Wrestling *1937	Volleyball *1992
1964-65												
1965-66			255			52		91		170		
1966-67		753	290		276	64		91		176		
1967-68		762	317		290	67		117		190		
1968-69		763	346		326	69		120		198		
1969-70		760	N/A		343	68		119		203		
1970-71		762	372		353	70		122		216		
1971-72		754	394		384	74		116		221		
1972-73		761	409		392	74	36	129		236		
1973-74		759	428		422	77	52	137		*244		
1974-75	598	750	443	529	403	77	73	150	283	N/A	381	
1975-76	610	785	439	534	412	79	86	174	298	642	395	
1976-77	586	784	423	534	408	79	124	172	300	631	385	
1977-78	619	795	428	537	393	74	126	202	304	628	393	
1978-79	620	799	424	540	387	75	146	197	311	625	391	
1979-80	640	799	424	569	395	77	163	199	303	646	388	
1980-81	643	797	420	588	393	73	177	188	299	690	416	
1981-82	641	796	417	580	381	71	191	183	294	674	413	
1982-83	645	796	419	581	382	64	206	189	296	669	401	
1983-84	639	724	386	575	373	76	208	186	287	651	403	
1984-85	637	788	388	571	382	66	197	193	285	653	400	
1985-86	651	783	391	568	379	68	213	192	291	645	395	
1986-87	650	778	392	568	381	65	223	186	284	640	393	
1987-88	642	772	394	566	378	64	235	231	286	636	391	
1988-89	639	762	330	562	376	61	237	239	282	614	386	
1989-90	638	750	378	560	392	58	243	240	283	598	387	
1990-91	634	743	377	552	392	55	246	238	281	594	380	
1991-92	645	735	379	550	402	58	249	238	272	571	397	73
1992-93	634	727	387	548	411	56	254	232	276	559	387	79

Girls State Series

*1st Year of State Series   NT = No Tournament

School Year	Archery *1976	Badminton *1977	Basketball *1977	Bowling *1973	Cross Country *1979	Field Hockey *1975	Golf *1975	Gymnastics *1977	Softball *1975	Soccer *1988	Swimming *1975	Tennis *1972	Track *1973	Volleyball *1975
1972-73				116								125	252	
1973-74				184								199	463	
1974-75				182								243	598	481
1975-76				177		56	69		256		133	252	646	608
1976-77		116	478	146		49	80	115	291		164	300	642	665
1977-78	30	104	548	140		35	110	126	369		212	307	649	708
1978-79	25	90	580	130		34	123	121	417		219	301	653	729
1979-80	25	94	671	120	225	29	143	123	477		236	301	662	734
1980-81	17	93	694	106	258	26	121	119	484		217	297	659	742
1981-82	NT	84	701	104	258	15	128	114	501		213	291	654	744
1982-83	—	82	700	100	291	NT	137	109	502		204	285	650	749
1983-84	—	76	689	92	293	—	141	108	499		183	281	636	735
1984-85	—	75	683	87	296	—	138	105	498		194	278	635	738
1985-86	—	75	678	88	297	—	157	111	507		207	275	630	733
1986-87	—	72	670	89	314	—	152	111	547		216	276	625	733
1987-88	—	74	668	86	317	—	163	110	549	98	222	274	625	730
1988-89	—	69	670	83	326	—	165	106	534	104	216	280	603	717
1989-90	—	70	656	83	324	—	170	108	558	114	212	272	590	711
1990-91	—	69	654	80	331	—	182	102	561	124	234	273	574	704
1991-92	—	71	640	74	351	—	196	100	575	132	231	271	566	702
1992-93	—	71	640	84	352	—	203	107	593	145	230	273	545	692

APPENDIX D

Chicago Public and Non-Public High Schools
Sports Comparison Based on 1992-93 IHSA Member School Directory Information

School	Public/ Non-Public	No. of Boys Sports	No. of Girls Sports
Chicago (Academy for the Arts)	N	0	0
Chicago (Academy of Our Lady)	N	Girls School	3
Chicago (Academy of the Sacred Heart)	N	Girls School	2
Chicago (Agricultural Science)	P	5	3
Chicago (Amundsen)	P	8	6
Chicago (Austin)	P	7	7
Chicago (Bogan)	P	7	6
Chicago (Bowen)	P	7	6
Chicago (Brother Rice)	N	10	Boys School
Chicago (Chicago Vocational)	P	7	7
Chicago (Calumet)	P	6	5
Chicago (Carver)	P	6	5
Chicago (Cathedral)	N	2	1
Chicago (Clemente)	P	5	5
Chicago (Collins)	P	7	7
Chicago (Corliss)	P	7	7
Chicago (Crane)	P	5	6
Chicago (Cregier)	P	1	0
Chicago (Curie)	P	9	8
Chicago (DeLaSalle)	N	10	Boys School
Chicago (DuSable)	P	3	5
Chicago (Dunbar)	P	6	6
Chicago (Englewood)	P	8	7
Chicago (F.W. Parker)	N	7	5
Chicago (Farragut)	P	9	7
Chicago (Fenger)	P	6	7
Chicago (Flower Vocational)	P	4	5
Chicago (Foreman)	P	6	6
Chicago (Gage Park)	P	5	3
Chicago (Good Counsel)	N	Girls School	4
Chicago (Gordon Tech.)	N	9	Boys School
Chicago (Hales Franciscan)	N	6	Boys School
Chicago (Harlan)	P	6	7
Chicago (Harper)	P	3	5
Chicago (Hirsch)	P	8	6
Chicago (Holy Trinity)	N	6	5
Chicago (Hubbard)	P	8	6
Chicago (Hyde Park)	P	8	8
Chicago (Ida Crown)	N	2	2
Chicago (Jones Metro)	P	0	0
Chicago (Josephinum)	N	Girls School	3
Chicago (Juarez)	P	7	5
Chicago (Julian)	P	7	7
Chicago (Kelly)	P	7	7
Chicago (Kelvyn Park)	P	6	5
Chicago (Kennedy)	P	7	7
Chicago (Kenwood)	P	9	8
Chicago (King)	P	6	6
Chicago (Lake View)	P	7	6
Chicago (Lane)	P	11	9
Chicago (Leo)	N	6	Boys School
Chicago (Lincoln Park)	P	9	7

School	Public/ Non-Public	No. of Boys Sports	No. of Girls Sports
Chicago (Lindblom)	P	6	6
Chicago (Lourdes)	N	Girls School	4
Chicago (Luther North)	N	8	6
Chicago (Luther South)	N	8	6
Chicago (Madonna)	N	Girls School	4
Chicago (Manley)	P	6	4
Chicago (Maria)	N	Girls School	9
Chicago (Marist)	N	11	Boys School
Chicago (Marshall)	P	7	6
Chicago (Mather)	P	11	9
Chicago (Morgan Park Academy)	N	5	4
Chicago (Morgan Park)	P	8	8
Chicago (Mother McAuley)	N	Girls School	8
Chicago (Mt. Carmel)	N	10	Boys School
Chicago (Near North Career)	P	4	5
Chicago (Notre Dame)	N	Girls School	5
Chicago (Orr)	P	5	4
Chicago (Phillips)	P	7	8
Chicago (Prosser)	P	5	4
Chicago (Providence-St. Mel)	N	4	4
Chicago (Quigley Prep)	N	9	Boys School
Chicago (Resurrection)	N	Girls School	7
Chicago (Richards)	P	Girls School	6
Chicago (Robeson)	P	7	7
Chicago (Roosevelt)	P	6	5
Chicago (Schurz)	P	7	5
Chicago (Senn)	P	9	5
Chicago (Simeon)	P	7	5
Chicago (South Shore)	P	5	5
Chicago (Spalding)	P	2	2
Chicago (St. Barbara)	N	Girls School	4
Chicago (St. Benedict)	N	6	6
Chicago (St. Francis De Sales)	N	6	2
Chicago (St. Gregory)	N	4	3
Chicago (St. Ignatius)	N	9	8
Chicago (St. Martin De Porres)	N	6	4
Chicago (St. Patrick)	N	11	Boys School
Chicago (St. Rita)	N	11	Boys School
Chicago (St. Scholastica)	N	Girls School	5
Chicago (Steimetz)	P	8	6
Chicago (Sullivan)	P	8	7
Chicago (Tabernacle Christian)	N	1	0
Chicago (Taft)	P	8	7
Chicago (The Harvard School)	N	1	0
Chicago (The Latin School)	N	7	7
Chicago (Tilden)	P	6	5
Chicago (University)	N	8	8
Chicago (Von Steuben)	P	9	8
Chicago (Washington)	P	10	9
Chicago (Weber)	N	10	Boys School
Chicago (Wells)	P	5	4
Chicago (Westinghouse)	P	6	6
Chicago (Young)	P	8	8
Totals	105	606	506

OB:jw
CPI-data

APPENDIX E

SEX EQUITY RULES

(23 Illinois Administrative Code 200)

SEAL OF THE STATE OF ILLINOIS
AUG. 26TH 1818

ILLINOIS STATE BOARD OF EDUCATION

MARCH 1990

①

AUG. 26th 1818

ILLINOIS STATE BOARD OF EDUCATION

State of Illinois Center • Suite 14-300, 100 West Randolph • Chicago, Illinois 60601-3405

Thomas Lay Burroughs
Chairman

Robert Leininger
State Superintendent

March 5, 1990

Dear Superintendent:

The amended rules for Sex Equity (23 Illinois Administrative Code 200), adopted by the Illinois State Board of Education and filed with the Secretary of State, are enclosed for your information and continuing reference.

The amendments extend applicability to the rules to all Illinois public schools and add standards for the conduct of student athletic interest surveys. Because of these changes, I suggest that you share this information with your Title IX Coordinator and the directors of your athletic programs.

Information and technical assistance in complying with these rules are available from our Equal Educational Opportunity Section (EEO). EEO staff are equipped to provide direct services, outside consultants, staff training and printed resources. Please contact Patricia Poole, Manager of our EEO Section, at 312/814-3226 if you have any questions or need technical assistance.

Sincerely,

Robert Leininger

Robert Leininger
State Superintendent of Education

②

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER e: INSTRUCTION

PART 200
SEX EQUITY

Section
200.10 Definitions
200.20 State Policy
200.30 Applicability
200.40 Administration
200.50 Treatment of Students
200.60 Educational Programs and Activities
200.70 Counseling Services
200.80 Extracurricular Programs and Activities
200.90 Compliance and Enforcement
200.100 Effects of Other Requirements

AUTHORITY: Implementing Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), Article I, Section 18 of the Illinois Constitution, and Sections 10-22.5, 27-1, and 34-18(1) of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 10-22.5, 27-1, and 34-18(1)), and authorized by Sections 2-3.6, 27-1, and 34-18(1) of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 2-3.6, 27-1, and 34-18(1)).

SOURCE: Adopted at 10 Ill. Reg. 18014, effective October 3, 1986; amended at 13 Ill. Reg. 11491, effective June 29, 1989.)

③

Section 200.10 Definitions

"Comparable" means similar in quality and quantity, taking into consideration all relevant facts and circumstances.

"Contact Sports" means those sports whose purpose or major activity involves bodily contact: e.g., basketball, boxing, football, ice hockey, rugby, and wrestling.

"Counseling" means all guidance activities, personal counseling, guidance-related evaluation and testing, provision of vocational and career information and advice, scheduling assistance, and any other guidance services provided to students by any person acting under the authorization of an educational system.

"Course" means any district-sponsored class regardless of the location of class meetings, nature of instruction, or type or age of student.

"Discrimination" means the violation of individuals' state or federal equal rights guarantees (U.S. Constitution, Amendment 14; 20 U.S.C. 1681 et seq.; Illinois Constitution, Article I, Sections 2, 18; Ill. Rev. Stat. 1987, ch. 122, pars. 10-22.5, 27-1, and 34-18(1)), whether intended or unintended.

"Disparate Interest Levels" means that, according to the results of a school's written student athletics interest survey (conducted pursuant to the requirements set forth in Section 200.80(b)(1)(B)), the total number of students of one sex who wish to participate in all athletics exceeds by more than 50% the total number of students of the other sex who wish to participate in all athletics. Disparate interest levels do not in and of themselves evidence discrimination.

"Disproportionate Enrollment" means that students of one sex constitute at least 75% of a school's participants in a given program, course, or activity. Disproportionate enrollment does not in and of itself evidence discrimination.

"Educational System" means any local public education agency in its entirety, including elementary, secondary and unit districts, area vocational education centers, and special education cooperatives.

"Equal Access" means availability of opportunity without discrimination on the basis of sex, going beyond simple admission to a course or activity to include full and unrestricted participation in educational and experiential processes.

"Prime Time" means that time period which is most desirable locally for a given activity.

"Program" means a series of courses or set of activities leading toward identified educational or experiential student outcomes.

"School" means any attendance center within an educational system.

"Sex Bias" means the attribution of behaviors, abilities, interests, values and/or roles to a person or group of persons on the basis of their sex.

"Sexual Harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

"Sexual Intimidation" means any behavior, verbal or nonverbal, which has the effect of subjecting members of either sex to humiliation, embarrassment or discomfort because of their gender.

"Significant Assistance" means the payment of dues, fees, or other remuneration in return for the provision of services or benefits, or any other collaboration that significantly facilitates the functioning of any agency, organization, or person outside an educational system.

(Source: Amended at 13 Ill. Reg. 11491, effective June 29, 1989)

Section 200.20 State Policy

It is the policy of the State of Illinois and the State Board of Education that no person shall be subjected to discrimination on the basis of sex in any program or activity supported by school district funds.

Section 200.30 Applicability

These rules are applicable to all public school districts. Nothing contained herein shall be construed as relieving a school district of its duty to comply with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) or its implementing regulations (34 CFR 106).

(Source: Amended at 13 Ill. Reg. 11491, effective June 29, 1989)

⑤

Section 200.40 Administration

a) All policies and practices of educational systems shall comply with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), Article I, Section 18 of the Illinois Constitution, and Sections 10-22.5, 27-1, and 34-18(1) of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 10-22.5, 27-1, and 34-18(1)).

b) Each educational system shall have a written policy on sex equity stating that it does not discriminate on the basis of sex in the provision of programs, activities, services, or benefits and that it guarantees both sexes equal access to educational and extracurricular programs and activities.

c) Each system shall have a written grievance procedure available for use by any individual(s) wishing to present a complaint alleging that the system has discriminated against a student or students on the basis of their sex.

   1) Such procedure shall specify the steps to be taken in initiating and processing a grievance, shall identify all parties to be involved at each step of the procedure, shall include specific timelines for completion of each step and rendering of a written decision, and shall provide for final appeal of grievance decisions made at the system level to the system's governing board.

   2) Such procedure shall inform complainants of their right to further appeal the decision of the system's governing board to the Superintendent of the appropriate Educational Service Region pursuant to Section 3-10 of The School Code and, thereafter, to the State Superintendent of Education pursuant to Section 2-3.8 of The School Code, as provided in Section 200.90(b).

d) Each system shall take reasonable measures to assure that employees, students and parents are informed of the system's sex equity policy and grievance procedure, e.g., through the use of policy manuals and student handbooks.

e) Each educational system shall, within one year of becoming subject to this Part and at least every four years thereafter, evaluate its policies and practices in terms of the requirements of this Part to identify sex discrimination and shall develop a written sex equity plan to modify any policy or practice that does not meet the requirements of this Part and to take remedial steps to eliminate the effects of any discrimination resulting from such policy or practice.

(6)

1) The sex equity evaluation shall include an examination of course enrollment data to identify any instances of disproportionate enrollment on the basis of sex and, where discrimination may have contributed to such disproportionality, the sex equity plan shall seek to redress any such disproportionality identified.

2) Inservice training implementing the sex equity plan shall be provided by the system to school district administrators and to certificated and noncertificated personnel as needed.

f) Except as provided in Section 200.80(a)(4), an educational system may not on the basis of sex designate or otherwise limit the use of any facility or portion thereof, related services, equipment or supplies. This subsection shall not apply to shower and toilet facilities, locker rooms, and dressing areas. All such accommodations and all related support and maintenance services shall be comparable for both sexes.

g) Except as provided in Section 200.80(a)(4), an educational system may not provide significant assistance to or enter into any agreement with any organization, group, business or individual that discriminates against students on the basis of sex.

h) An educational system shall not institute organizational changes or employment practices which would result in discrimination against students of either sex.

i) A system shall maintain records documenting compliance with this Part, e.g., reports of sex equity evaluations and plans, remediation efforts and inservice activities, data collection and analyses, grievances and their disposition; such records shall be made available to State Board enforcement authorities upon request.

(Source: Amended at 13 Ill. Reg. 11491, effective June 29, 1989)

⑦

Section 200.50 Treatment of Students

a) No student shall, on the basis of sex, be denied equal access to programs, activities, services or benefits or be limited in the exercise of any right, privilege, advantage, or opportunity.

b) A system shall apply the same system and program admission standards for both sexes.

c) A system shall not set quotas limiting the number of either male or female students who will be admitted to the system, its schools, programs, courses or activities unless such quotas have the effect of furthering affirmative action goals established by the system to overcome the effects of conditions that resulted in limited participation in a program or activity by persons of a particular sex.

d) Graduation requirements shall be the same for both sexes.

e) No student shall be discriminated against because of his or her actual or potential marital or parental status.

   1) Pregnancy shall be treated as any other temporary disability.

   2) Pregnancy or parenthood shall not be considered cause for dismissal or exclusion from any program or activity.

   3) Participation in special programs provided for pregnant students or students who are parents shall be at the student's option.

   4) Systems shall eliminate administrative and programmatic barriers to school attendance and school completion by pregnant students or students who are parents.

f) No student shall be subjected to sexual intimidation or harassment by any school employee, by other students, or by the effect of any school policy or practice.

g) A system shall not discriminate on the basis of sex in the bestowing of awards, honors, scholarships and financial aids.

h) A system's discipline policies and practices may not discriminate on the basis of sex.

i) Codes of conduct established by a system shall not discriminate on the basis of sex.

j) A system may not discriminate on the basis of sex in the provision of employment opportunities for students; a system may not enter into work study or cooperative employment agreements with employers who discriminate against students on the basis of sex.

⑧

Section 200.60 Educational Programs and Activities

a) General Practices

1) All courses shall be open to students regardless of their sex, although students may be segregated by sex during class sessions or portions thereof which deal exclusively with human sexuality.

2) Students shall be advised to take courses consistent with their interests and abilities, regardless of their sex.

3) Neither course titles nor course descriptions shall discourage either sex from enrolling.

4) Course prerequisites and course requirements shall be the same for both sexes.

5) Course content and course objectives shall not discriminate on the basis of sex.

b) Selected Program Areas

1) Music

A) Students shall not be separated according to sex when participating in voice instruction, although divisions within a class may be established on the basis of vocal range and quality.

B) The study of musical instruments shall be suited to students' individual interests and abilities, regardless of their sex.

2) Physical Education

A) Each physical education class shall be open equally to both sexes.

9

i) Instructional portions of all physical education classes shall be coeducational.

ii) Students may be segregated by sex during participation in a contact sport.

B) Where assignments to classes or portions of classes are based on ability levels, group composition shall be determined by objective standards of individual performance developed and applied without regard to sex, and students shall be re-grouped at appropriate intervals, e.g., when substantial changes occur in either teaching objectives or student ability levels.

C) If the use of a single standard for measuring skill or progress in a physical education class results in discrimination against members of either sex, appropriate standards which do not have such effect shall be used.

D) Neither physical education classes nor areas where such classes are conducted shall be designated by sex.

3) Special Education

A) Special education referral, testing and placement practices shall not discriminate on the basis of sex.

B) Classes and related services for handicapped students shall not discriminate on the basis of sex whether they are provided by the school district, in cooperation with other school districts, or through private placement.

4) Gifted Education

A) Gifted education referral, testing and placement practices shall not discriminate on the basis of sex.

B) Programs and classes or related services for gifted students shall not discriminate on the basis of sex.

⑩

5) Vocational and Career Education

   A) Students shall be provided opportunities to acquire knowledge and understanding of vocational and career options without discrimination on the basis of sex.

   B) Materials used in vocational and career education shall not discriminate on the basis of sex.

c) Classroom Practices

   1) Classroom practices shall not discriminate on the basis of sex.

   2) Teaching methods shall in no way inhibit the participation of any student on the basis of sex.

   3) Where appropriate, the history, roles and contributions of both sexes shall be presented on a comparable basis in curricular areas.

   4) Teachers shall employ methods designed to counteract sex bias that may be present in instructional materials.

d) Instructional materials shall not be discriminatory against either sex.

Section 200.70 Counseling Services

a) Counseling services shall be provided without discrimination on the basis of sex.

   1) Students shall not be assigned to a counselor on the basis of sex.

   2) Students shall be counseled to take courses and pursue careers that are consistent with their interests and abilities, regardless of their sex.

b) Career materials used in counseling students shall not discourage by word or image the consideration by both sexes of all careers addressed in the materials.

c) The content, administration, interpretation and application of appraisal instruments and associated materials shall not discriminate against students on the basis of sex.

(11)

Section 200.80 Extracurricular Programs and Activities

a) General Practices

1) Except as provided in subsection (b)(1)(A) of this Section, students of both sexes shall have equal access to all extracurricular programs and activities, including clubs, committees, service or honor organizations, intramural sports programs, interscholastic athletics and other after-school activities which are offered by a system.

2) Except as provided in subsection (b)(1)(A) of this Section, extracurricular programs and activities offered by a system shall not use titles which imply that membership or participation is restricted on the basis of sex.

3) A system shall not provide significant assistance to any association or conference whose purpose is to organize or regulate interscholastic competition if that association or conference discriminates on the basis of sex in the provision of benefits or services to students.

4) Schools may cooperate with single sex youth organizations that are tax exempt and whose membership has traditionally been limited to members of one sex and principally to persons who are under 19 years of age, provided that comparable activities shall be available for both sexes.

b) Selected Activity Areas

1) Athletics (Interscholastic and Intramural)

A) Both sexes shall be accorded equal opportunities to participate in athletics programs.

i) Single-sex teams are permitted for contact sports or when selection for team membership is based upon competitive skill, provided the interests and abilities of both sexes are accommodated.

ii) In a noncontact sport, when a team is provided only for members of one sex, members of the excluded sex must be allowed to compete for a place on the team if their overall athletic opportunities have been limited in comparison with those of the other sex.

iii) Where a coeducational team in a given sport does not accommodate the interests and abilities of members of both sexes, separate teams shall be afforded by sex. For example, if the level of interest determined pursuant to subsection (b)(1)(B)

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(12)

indicates that 30 students of one sex and 30 students of the other sex want to participate in a particular sport, but only one student of the first sex is able to qualify to compete while 20 students of the other sex do so, a coeducational team does not accommodate the interests and abilities of both sexes.

B) Within one year of becoming subject to this Part and at least once every four years thereafter, a system shall assess student athletics interest by administering a written survey to all students. Such surveys shall be conducted in accordance with the following specifications:

i) The survey shall be designed to measure the athletics interest of students as participants rather than as spectators;

ii) Students of both sexes shall be surveyed;

iii) The same survey forms listing the same sports options shall be used by students of both sexes;

iv) On the survey form, sports shall not be designated by gender (e.g., list "basketball" not "boys' basketball" or "girls' basketball");

v) Survey forms shall at least include the sports currently available in the system, and shall include provision for students to indicate interest in sports other than those listed by the system on the survey forms; and

vi) Students surveyed shall include at least those currently enrolled in the system.

C) Survey results shall be used in planning for the future as well as in assessing current program comparability. If survey data indicate that the overall levels of student interest in the range of alternatives being provided are disparate between the sexes and such disparity may be the result of discrimination, the system shall initiate efforts to reduce such disparity.

D) Based upon the results of the interest survey, existing offerings and other pertinent factors (e.g., budget, facilities, available competition, etc.), a system shall provide comparable continuity in sports opportunities for students of both sexes (i.e., students have the opportunity to acquire skills at successive levels, over time, within a given sport).

E) The nature and extent of the athletics programs offered by a system shall accommodate the interests and abilities of both sexes to a comparable degree. Factors to be considered in assessing program comparability include but are not necessarily limited to the following:

i) Selection of sports offered,

ii) Levels of competition within sports,

iii) Length of sports seasons,

iv) Scheduling of athletics opportunities throughout the calendar year,

v) Scheduling of practices and games during prime time,

vi) Use of facilities for practice and competition,

vii) Ratio of coach(es) to athletes,

viii) Quality of coaching and officiating (e.g., credentials, experience and compensation),

ix) Assignment and compensation of coaches and officials,

x) Supplies and equipment,

xi) Allowances for travel and per diem,

xii) Medical and training services,

xiii) Publicity for teams and individual participants,

xiv) Overall distribution of athletic budget funds.

2) Music

A) Choruses segregated by sex shall not be allowed; however, choral groups based upon vocal range and quality are allowable.

B) Instrumental music skill acquisition and performance shall be based upon students' individual interests and abilities, regardless of their sex.

Speech and Drama

A) Competitive speaking events shall be open to both sexes.

(14)

B) Materials limited to a single sex (e.g., a monologue specific to one sex) may be used as long as comparable opportunities are provided for both sexes.

4) Miscellaneous

A) Activities such as cheerleading, pompom squads, color guards, school safety patrol, teacher/office aides, and library assistants shall be open to students of both sexes.

i) Participation criteria, selection procedures, or uniform restrictions which would discriminate on the basis of sex shall not be applied.

ii) Criteria for the utilization of such groups shall not discriminate on the basis of sex.

B) A king or queen of an activity may be selected; however, comparable opportunities for students of both sexes shall be provided.

C) If a system sponsors mother-son, father-daughter, mother-daughter, or father-son activities, comparable activities shall be available for both sexes, and the special needs of children from single-parent families shall be accommodated.

(Source: Amended at 13 Ill. Reg. 11491, effective June 29, 1989)

(15)

Section 200.90 Compliance and Enforcement

a) Compliance with this Part will be subject to evaluation during the recognition process for public schools established in 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision).

b) When a grievance decided at the system level has been appealed through the Regional Superintendent to the State Superintendent of Education, written notification of his or her decision shall be delivered to the parties. Failure of the system to comply with the decision of the State Superintendent of Education shall constitute reason to believe that discrimination may exist under Section 22-19 of The School Code and the State Board of Education shall proceed as provided therein.

c) Petitions with fifty or more signatures (or at least 10% of a district's residents) alleging that a system has discriminated against a student or students on the basis of sex may be brought independently to the State Board of Education for hearing under the provisions of Section 22-19 of The School Code (Ill. Rev. Stat. 1985, ch. 122, par. 22-19).

Section 200.100 Effects of Other Requirements

The obligation to comply with this Part is not obviated or alleviated by any policy or regulation of any club, organization, athletic league or other association which would limit the eligibility or participation of any student on the basis of sex in any program or activity operated by any system covered by this Part.

(Source: Amended at 13 Ill. Reg. 11491, effective June 29, 1989)

APPENDIX F

ILLINOIS HIGH SCHOOL ASSOCIATION
2715 McGraw Dr., P.O. Box 2715 Bloomington, Illinois 61702-2715

REPORTS OF THE INVOLVEMENT OF WOMEN IN THE GOVERNANCE STRUCTURE AND IN THE BOYS AND GIRLS SPORTS PROGRAMS OF THE ILLINOIS HIGH SCHOOL ASSOCIATION

by

Ola M. Bundy
Assistant Executive Director

I. REPORT OF WOMEN INVOLVED IN GOVERNANCE STRUCTURE OF ILLINOIS HIGH SCHOOL ASSOCIATION FOR 1992-93

Group	Total Number	Number of Women	% of Women
Board of Directors	7	1	14.3%
Legislative Commission	28	0	0%
Administrative Staff	6	2	33.3%
Advisory Committees	199	57	28.6%
Principals	763	98	12.8%
Totals	1003	158	15.8%

II. REPORT OF BOYS ATHLETIC DIRECTORS AND GIRLS ATHLETIC DIRECTORS IN IHSA MEMBER SCHOOLS WHO ARE WOMEN FOR 1992-93

Note: Information is from listings for IHSA member schools included in the 1992-93 IHSA Member School Directory.

Number of IHSA Member Schools	Number of Women Boys Ath. Dir.	% of Women Boys Ath. Dir.	Number of Women Girls Ath. Dir.	% of Women Girls Ath. Dir.
763	41	5.4%	114	14.9%

III. REPORT OF IHSA ADVISORY COMMITTEES AND NUMBER OF WOMEN MEMBERS FOR 1992-93

Note: Information is from listing of IHSA Advisory Committees included in 1992-93 IHSA Member School Directory

IHSA Advisory Committee	Total Members	Number of Men	% of Men	Number of Women	% of Women
Athletic Administrators	17	9		8	
Boys Baseball	8	8		0	
Boys Football	8	8		0	
Boys Wrestling	8	8		0	
Boys/Girls Basketball	11	9		2	
Boys/Girls Cross Country	8	7		1	
Boys/Girls Golf	10	7		3	
Boys/Girls Gymnastics	7	4		3	
Boys/Girls Soccer	8	7		1	
Boys/Girls Swimming	10	7		3	
Boys/Girls Tennis	8	5		3	
Boys/Girls Track	11	8		3	
Boys/Girls Volleyball	11	2		9	
Girls Badminton	5	3		2	
Girls Bowling	5	3		2	
Girls Softball	8	4		4	
Sports Medicine	12	10		2	
Speech	5	4		1	
Scholastic Bowl	8	5		3	
Public Liaison	11	7		4	
News Media	9	8		1	
Music	5	4		1	
Chess	6	5		1	
Totals	199	142	71.4%	57	28.6%

IV. REPORT OF HEAD COACHES IN IHSA MEMBER SCHOOLS WHO ARE WOMEN IN GIRLS SPORTS FOR 1992-93

Note: Information is from listings for each IHSA member school included in the 1992-93 IHSA Member School Directory.

Girls Sports	Number of Schools Offer	Men Head Coaches	% Men Head Coaches	Women Head Coaches	% Women Head Coaches
Girls Badminton	72	27	37.5%	45	62.5%
Girls Basketball	637	409	64.2%	192	30.1%
Girls Bowling	120	61	50.8%	48	40.0%
Girls Cross Country	379	285	75.2%	57	15.0%
Girls Golf	176	115	65.3%	31	17.6%
Girls Gymnastics	108	38	35.2%	48	44.4%
Girls Softball	573	296	51.7%	277	48.3%
Girls Soccer	133	113	85.0%	18	13.5%
Girls Swimming	213	106	49.8%	92	43.2%
Girls Tennis	292	156	53.4%	122	41.8%
Girls Track	578	354	61.2%	190	32.9%
Girls Volleyball	674	146	21.7%	501	74.3%
Totals	3955	2106	53.2%	1621	41.0%

V. REPORT OF HEAD COACHES IN IHSA MEMBER SCHOOLS WHO ARE WOMEN IN BOYS SPORTS FOR 1992-93

Note: Information is from listings for IHSA member schools included in the 1992-93 IHSA Member School Directory.

Boys Sports	Number of Schools Offer	Men Head Coaches	% Men Head Coaches	Women Head Coaches	% Women Head Coaches
Boys Baseball	659	659	100%	0	0%
Boys Basketball	721	719	99.7%	2	0.3%
Boys Cross Country	446	429	96.2%	17	3.8%
Boys Football	591	591	100%	0	0%
Boys Golf	421	405	96.2%	16	3.8%
Boys Gymnastics	56	56	100%	0	0%
Boys Soccer	279	269	96.4%	10	3.6%
Boys Swimming	258	222	86.0%	36	14.0%
Boys Tennis	309	276	89.3%	33	10.7%
Boys Track	627	607	96.8%	20	3.2%
Boys Volleyball	76	50	65.8%	26	34.2%
Boys Wrestling	384	384	100.0%	0	0%
Totals	4827	4667	96.7%	160	3.3%

VI. REPORT OF IHSA REGISTERED ATHLETIC OFFICIALS IN GIRLS SPORTS WHO ARE WOMEN FOR 1992-93

Note: Information is from the 1992-93 IHSA Directory of Athletic Officials

Registration in Girls Sport	Total No. of Registered Officials	Number of Women Registered	% of Women Officials Registered
Boys/Girls Basketball	1647	72	1.9 %
Girls Gymnastics	68	58	85.3%
Girls Softball	1244	102	8.2%
Boys/Girls Soccer	519	10	1.9%
Boys/Girls Swimming	197	45	22.8%
Boys/Girls Track	230	24	10.4%
Boys/Girls Volleyball	1308	738	56.4%
Totals	7213	1049	14.5%

OB:jw

APPENDIX G

ILLINOIS HIGH SCHOOL ASSOCIATION
2715 McGraw Dr., P.O. Box 2715 Bloomington, Illinois 61702-2715

A CHRONOLOGY OF GIRLS' INTERSCHOLASTIC ATHLETIC PROGRAMS IN IHSA MEMBER SCHOOLS

by

Ola M. Bundy
Assistant Executive Director

1912-13 -- By-laws of the Illinois High School Athletic Association prohibit IHSAA member schools from engaging in girls' interscholastic athletic contests

1920-21 -- Beginning of the Illinois League of High School Girls Athletic Associations

1927-28 -- Interscholastic athletic contests permitted in Girls Golf and Girls Tennis

-- As IHSAA moves into its administrative offices at 11 South LaSalle Street, Chicago, Illinois, a woman administrator is employed on a full-time basis to be in charge of the girls' program

-- IHSAA undertakes the sponsorship of the Illinois League of High School Girls Athletic Associations

1935-36 -- Interscholastic athletic contests permitted in Girls Archery, Girls Golf and Girls Tennis

1964-65 -- Interscholastic athletic contests permitted in Girls Archery, Girls Badminton, Girls Golf and Girls Tennis

1969-70 -- Interscholastic athletic contests permitted in Girls Archery, Girls Badminton, Girls Golf and Girls Tennis -- two sportsdays permitted in Girls Field Hockey, Girls Volleyball, Girls Softball, Girls Swimming, Girls Bowling and Girls Track and Field

-- Registration of women officials in IHSA Women Officials Department in Girls Field Hockey, Girls Volleyball, Girls Softball, Girls Swimming and Girls Track and Field

1970-71 -- First IHSA girls' rules interpretation meetings conducted in Girls Volleyball and Girls Basketball

1972-73 -- Interscholastic athletic contests permitted in Girls Archery, Girls Badminton, Girls Bowling, Girls Fencing, Girls Golf, Girls Gymnastics, Girls Swimming, Girls Tennis and Girls Track and Field -- four sportsdays permitted in Girls Basketball, Girls Field Hockey, Girls Soccer, Girls Softball and Girls Volleyball

-- First IHSA state tournament series conducted in Girls Tennis, Girls Bowling and Girls Track and Field

1973-74 -- Interscholastic athletic contests permitted in Girls Archery, Girls Badminton, Girls Basketball, Girls Bowling, Girls Fencing, Girls Field Hockey, Girls Golf, Girls Gymnastics, Girls Soccer, Girls Softball, Girls Swimming, Girls Tennis, Girls Track and Field and Girls Volleyball

-- In Diane Bell v. Illinois High School Association, IHSA lost by-laws: prohibiting boys and girls from participating with or against each other in interscholastic athletic contests; prohibiting men from coaching girls' teams; and, prohibiting men from officiating girls' athletic contests -- also, from that time on the provisions of the IHSA Constitution and By-laws governing interscholastic athletic contests in IHSA member schools applied equally to both boys' and girls' interscholastic athletic contests

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1974-75 IHSA Girls Athletic Officials Department implemented with registration in Girls Basketball, Girls Field Hockey, Girls Gymnastics, Girls Softball, Girls Swimming, Girls Track and Field and Girls Volleyball

First IHSA state tournament series conducted in Girls Volleyball

IHSA adopts rules for girls' interscholastic sports published by the National Federation of State High School Associations

Dixon High School wins IHSA Girls State Bowling Tournament with a team comprised of four boys and one girl

IHSA Board of Directors adopts policy that the Terms and Conditions for all IHSA state tournament series stipulate that only boys are permitted to compete in the boys' state tournaments and only girls are permitted to compete in the girls' state tournaments

1975-76 Second woman Assistant Executive Secretary employed by the Illinois High School Association

First IHSA state tournament series conducted in Girls Golf, Girls Field Hockey, Girls Swimming and Girls Softball

1976-77 With recodification of IHSA Constitution and By-laws, sports seasons are defined in Girls Archery, Girls Badminton, Girls Basketball, Girls Bowling, Girls Field Hockey, Girls Golf, Girls Gymnastics, Girls Softball, Girls Swimming, Girls Tennis, Girls Track and Field and Girls Volleyball

First IHSA state tournament series conducted in Girls Basketball, Girls Badminton, Girls Gymnastics and Girls Archery

1977-78 Classification in Girls Volleyball and Girls Track and Field

IHSA Girls State Final Basketball Tournament held in the Assembly Hall at the University of Illinois, Urbana, Illinois

Two officials departments merged into one department -- IHSA Athletic Officials Department

1978-79 -- Sport season for Girls Cross Country included in IHSA By-laws

-- Only one registration required in IHSA Athletic Officials Department in the sports of Basketball, Swimming and Track and Field

-- Last year for the Illinois League of High School Girls Athletic Associations

1979-80 -- Classification in Girls Basketball

-- First IHSA state tournament series conducted in Girls Cross Country

1980-81 -- Last IHSA state tournament series in Girls Archery

1981-82 -- Last IHSA state tournament series in Girls Field Hockey

1984-85 -- Classification in Girls Softball

1986-87 -- Sport season for Girls Soccer included in IHSA By-laws

1987-88 -- First IHSA state tournament series conducted in Girls Soccer

1988-89 -- Classification in Girls Cross Country

1989-90 -- Board of Directors adopts policy to permit girls to participate on IHSA boys state series teams under certain conditions

OB:jw

Chronology

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Mrs. COLLINS. Ms. Benda.

STATEMENT OF NANCY BENDA

Ms. BENDA. Thank you very much.

I'm Nancy Benda. I'm director of the Equal Educational Opportunity Program for the Florida Department of Education, and for the last 2½ years I have had the assignment of coordinating the work of the Athletic Study Commission for the Department of Education, and we are very proud to have been invited here to share some of the story of our State with you.

We know, just as you have been told over and over again, that sports benefit women just as they benefit men. The chairwoman has given you testimony on that as well as some of our previous witnesses. I want to give you some stories, too, though. I think sometimes that is helpful.

Barbara Palmer, who was the assistant athletic director at Florida State University, said that as soon as the women's teams at the university level began to get recognition and win on a national basis, that the headhunters from the major industries and businesses all over the country began to recruit her young women just as they recruited young men, that these people have learned that the competencies and attitudes that people learn in participation in athletics are the ones that are valued in big business and that those are valued for women just as they are for men.

Peggy Armand, who was a track star at Tampa and is on her way to an athletic scholarship, said that she thought that she was more popular, when she testified to our group, because she was an athlete; it gave her a better social life: "It gave me new friends, and the ones that stuck with the team are the ones that have a good attitude and the ones that have their heads on right."

Connie Brown, a 4-year soccer player at Pinellas Park in Florida in high school, is headed now to Kentucky on an athletic scholarship. She said, "You get better grades when you are on a team, because if you don't make your grades, you don't play."

Cindy Robinson, the coach of a girls' basketball team in Dunedin, Fla., said, "Athletics give young people a chance to get discipline and leadership and guidance, and they may not get those chances at home."

Pete Harris, who is a parent that I have never met, in Pope County, called the office when he heard about our testimony being collected for our study commission. He said that he just wanted to call and give us encouragement to continue, and he proudly told us that at Pope County this year they had 59 young women on full athletic scholarships as a result of the programs in that district and that his own daughter is on a softball scholarship at Stetson University.

We had the same history. In the seventies, we had a spurt. We gave technical assistance and training. We thought things were fixed. In 1984 we found that it was not true, we passed the Florida Educational Equity Act and thought it was fixed then, and then we continued to get testimony that it still was not right for the young women. So in 1991 the Florida legislature created a 17-member study commission, and Representative Stearns mentioned some of the work.

The work that we did in that study commission focused on some of the things that you have heard here, that there doesn't seem to be a feeder system to keep the interest of the young women, and so our study commission looked at those areas of concern all the way from kindergarten through middle school, through high school, community college, and university, and the report contains the information I think, that Representative Stearns summarized for you, that it still ain't fixed. But we have identified a lot of the problems, and we hope we will be able to address those problems now.

We heard testimony, just as you have heard here, but what we discovered was that we didn't have the hard data to show us and bring hard information to people other than just testimony. We have one of the best data bases in the United States in Florida. We have a student-driven data base, but it is driven by the funding formula, so that athletic data are not included in that data base, and we then had to survey in order to get that information.

We passed a statute that now gives us enforcement authority. It gives us authority to look at what is going on in athletics at all levels, and we look forward to having some help from this group to get that data available to us to help us do the job we need to do.

Thank you for asking me.

[The prepared statements of Ms. Benda and Ms. Castor follow:]

STATEMENT FROM NANCY BENDA
BEFORE THE SUBCOMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND COMPETITIVENESS
U.S. House of Representatives
August 4, 1993

I am Nancy Benda, director of the Equal Educational Opportunity Program for the Florida Department of Education. Over the last two years, I have coordinated the statewide initiative to increase the participation of women and girls in athletics. We are very proud of the work being done in Florida and I am honored to share our experiences with this committee.

WOMEN AND GIRLS BENEFIT FROM SPORTS PARTICIPATION

The physical, psychological and sociological benefits of sports participation are extremely important. We know, for example:

- Girls who play sports are 92% less likely to use drugs
- They are three times more likely to graduate
- They are 80% less likely to be have unwanted pregnancies
- Teenage girls who participate in as little as two hours of exercise a week reduce the risk of breast cancer
- Women who exercise throughout their lives stimulate bone growth and maintenance; the fact that osteoporosis is far more prevalent among women than men is partially explained by the discrepancies between sport participation

Eighty-two percent of the top women executives in the Fortune 500 companies report that they were tomboys during their school days. This is consistent with what we've been told by Barbara Palmer, former women's athletic director at Florida State University. She said that as her women's teams became more competitive on a national basis, she received regular calls from the headhunters in business and industry. These recruiters have learned that the competencies and attitudes learned in athletic participation are the ones most desired of business leaders.

Sports and fitness activities build confidence and self-esteem; they promote teamwork, foster cooperation, and encourage friendships. Athletes learn to win and share the glory, and to lose and improve from the experience. A parent told us, "Girls who play sports become better coordinated, they are healthier, and they learn to get along with others. They learn to be part of a team." Peggy Armand, a track star in Tampa, told a St. Petersburg Times reporter that participating in high school athletics meant a richer social life, better grades, rigorous lessons in responsibility and a full scholarship to Florida State University. She said, "I think I was more popular because I was an athlete. And it gave me a better social life. It gave me new friends, and the ones that stuck with the team are the ones with a good attitude, good grades and have their heads on right."

Connie Brown, a four-year soccer player at Pinellas Park High School, who is headed to Kentucky on an athletic scholarship said, "You get better grades when you are on a team because if you don't make your grades, you don't play."

Cindy Robinson, coach of girls' basketball at Dunedin High School said, "Athletics gives young people a chance to get discipline and leadership and guidance that they may or may not get at home. They like being challenged; they like being involved. It's a chance to take on a challenge, a chance to get some recognition."

Pete Harris, a parent from Polk County, called our office in support of the state efforts in increasing athletic opportunities for women and girls. He proudly told us that Polk County Schools currently have 59 graduates on athletic scholarships, including his daughter who is at Stetson University on a softball scholarship.

FLORIDA'S APPROACH

In the mid 1970's, Florida, like most state agencies, did training and provided technical assistance in meeting the requirements of Title IX and we thought we'd fixed the problem. When we continued to hear complaints from our young women, we passed the Florida Educational Equity Act that places Title IX protections into state law and applies to public education at all levels. However, things did not get much better.

In 1991, the Florida legislature created the 17-member *Florida Study Commission on Women's and Girls' Participation in Athletics and Extracurricular Activities*. This Study Commission had broad based representation, including parents, staff from middle school, high school, community college, university and members of the legislature and business community. After the first year of examining the issues and listening to testimony from more than 20 witnesses from around the state, the Study Commission determined that there was not a data base to provide evidence for support for the issues being brought forward. For that reason the Study Commission was extended for an additional year to allow time to survey athletic opportunities in the various levels of public education in the state.

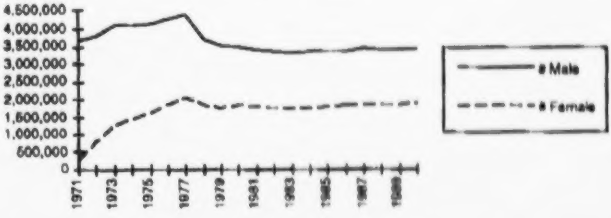
At the middle school level, a total of 2,915 students participated in athletics in the schools sampled by the Study Commission survey — 2,590 on varsity teams and 325 on junior varsity teams. These schools offer thirteen different male sports and eleven female sports. Approximately 55% of the varsity athletes are male and 45% are female; 39% of the male athletes are minority students and 42% of the female athletes are minority students. Of the 24 districts surveyed at the middle school level:

- 22 districts (92%) allow schools to determine intramural activities
- 1 district has neither athletics nor intramurals
- 14 districts (58%) offer co-educational athletics, 9 (38%) districts offer male only athletics, and 8 (33%) districts offer female only athletics
- 23 districts (96%) off some intramural activities; however, only 14 districts (58%) offer intramurals in all middle schools
- 20 districts (83%) offer in-school intramurals and 6 districts (25%) offer after-school intramurals

The feeder system for female athletes, particularly at junior high and junior varsity team levels, has been cited by a former Florida sports writer as a major barrier to encouraging continued participation among young women. She also identified single-sex physical education classes and the lack of skills-building activities for young women as other barriers.

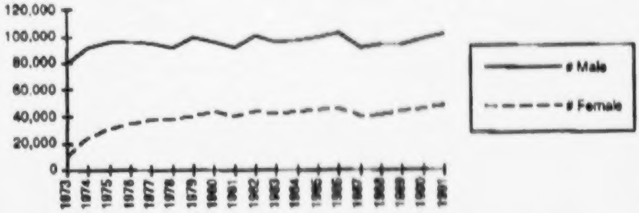
At the high school level, opportunities for young women to participate in athletics has increased substantially since the passage of Title IX. In 1973, only six women's sports were available to Florida high school students and fewer than 10,500 females participated. That year 89.4% of the high school athletes were male and 11.6% were female. By 1980, over 43,000 high school women were participating in athletics in the state and they comprised 31.2% of the Florida high school athletes. The following charts represent high school athletics participation and interest.

High School Athletics Participation
In U. S. By Gender, 1971-1990

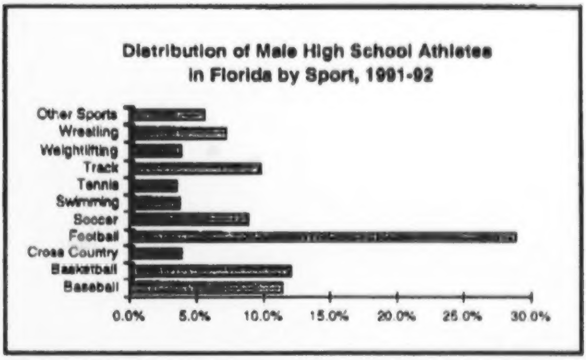


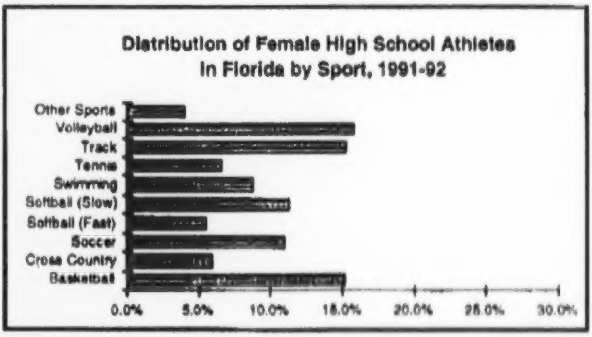
Source: National Federation of State High School Associations

Athletics Participants by Gender
In Florida High Schools, 1973-1991



Source: Florida High School Activities Association, Sports Surveys, 1973-74 through 1991-92





In 1991-92, 62% of the Florida community college athletes were male and 38% were female. Of the 146 athletic teams offered in community colleges, 67 (46%) were women's teams and 79 (54%) were men's teams. Data were collected in the Study Commission survey on financial support from booster clubs. The colleges reported a total of $276,795 in booster club contributions in athletics programs in Florida community colleges. Of that total, 22% went to women's teams. The following chart displays the number of teams in Florida community colleges.

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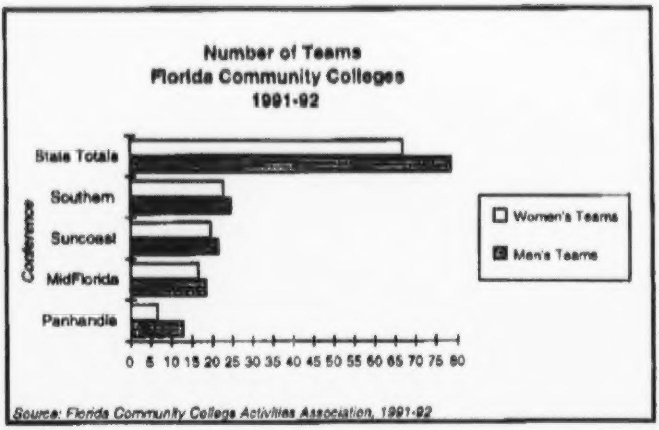
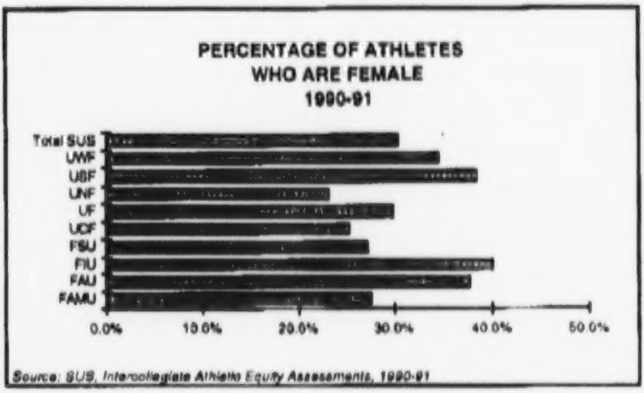

Number of Teams
Florida Community Colleges
1991-92

Source: Florida Community College Activities Association, 1991-92

In 1990-91, 70% of the students who participated in athletics at Florida public universities were male. Participation rates for women ranged from a low of 23% to a high of 40%. The number of women athletes in the State University System increased by 4% between 1988-89 and 1990-91 while male athletes increased by 18% during the same years. The chart below displays the participation rates in the university system.


PERCENTAGE OF ATHLETES
WHO ARE FEMALE
1990-91

Source: SUS, Intercollegiate Athletic Equity Assessments, 1990-91

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In reviewing the final report, Florida Commissioner of Education Betty Castor said, "The report shows powerful evidence that our young girls and young women do not have the same opportunities to participate as do our young boys and young men." The data also pinpoints the need to have a continuum of training and participation offerings that encourages equal opportunities and provides equal access to scholarships for higher education.

The report became the impetus for the legislature to require more specific definitions of what it means to provide equal athletic opportunities and enforcement at all levels: public schools, community colleges and universities. It also requires high schools and community colleges to offer sports in those areas where scholarships are available. This means our community colleges and those high schools that now offer slowpitch softball will be offering fastpitch softball to prepare our young women for university scholarships.

I'm pleased to announce that on May 10, in the presence of Commissioner Castor and the prime sponsors of the legislation (Representative Mary Ellen Hawkins, Senators Patsy Kurth and George Kirkpatrick), Governor Lawton Chiles signed into law a very progressive amendment to the Florida Educational Equity Act. The law now provides that by July 1, 1994, the Florida Department of Education must develop rules to:

- define equity in athletics at all levels of public education: public schools, community colleges and universities;
- implement enforcement mechanisms with appropriate penalties to ensure compliance with Title IX and the athletic portion of the Florida Educational Equity Act;
- establish penalties for noncompliance that include declaring the educational institution or district ineligible for competitive state grants, and withholding general revenue funds sufficient to obtain compliance;
- determine the equitable rate of participation of males and females in athletics;
- determine the appropriate consideration of revenues when making decisions about equitable use of funds for support of athletics; consideration must be given to all funds received and expended for athletic promotion or support including revenues from direct-support organizations, such as booster clubs.

We are proud to share the initiatives being implemented in Florida and excited about the prospects of federal legislation to bring strength to our effort. The access to reliable data is critical to the implementation of monitoring and enforcement activities. Even though Florida is a national leader in the development of our student data bases, those data bases are driven by the state funding formula and, therefore, do not include athletic data. During the next few months we will be developing data definitions to correct this omission.

Thank you for the opportunity to bring this information to your attention.

FLORIDA DEPARTMENT OF EDUCATION
Betty Castor
Commissioner of Education

STATEMENT BY BETTY CASTOR
COMMISSIONER OF EDUCATION
FLORIDA DEPARTMENT OF EDUCATION
TO
CARDISS COLLINS, CHAIRWOMAN
SUBCOMMITTEE ON COMMERCE,
CONSUMER PROTECTION AND COMPETITIVENESS
U. S. HOUSE OF REPRESENTATIVES
August 4, 1993

I certainly would like to have been with you today; however, my schedule did not permit me to leave the state.

I am very proud of our various activities to increase the athletic opportunities for our girls and young women. We clearly understand the benefits derived from participation in sport and recognize that these benefits are just as important for females as for males. We think that the role of providing a continuum of sports opportunities in the educational environment is critical for our female students since there are more opportunities for participation and skills building available to males outside the educational setting. We also understand the importance of opening opportunities at every level of public education in the state.

At the close of two years of work, the Florida Athletic Study Commission brought powerful evidence to the attention of the public — evidence that our young girls and young women do not have the opportunities to participate in athletics to the same extent enjoyed by our young boys and young men.

I was happy to recommend legislation to implement the recommendations of the Study Commission and was even more pleased with the strong support it received when it was passed by both houses. This legislation requires the Florida Department of Education to strengthen athletic opportunities across the entire state system of public education. In addition, for the first time, the Department is provided enforcement authority for assuring equal athletic opportunities and for administering penalties for noncompliance.

Again, I am sorry I can not present this information in person. The work of your committee is vitally important to increasing athletic opportunities nation-wide. Thank you for allowing me to share Florida's story.

Betty Castor

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Affirmative action/equal opportunity employer

Mrs. COLLINS. Thank you.

Ms. Bundy, according to your testimony, the State Board of Education of the Illinois State High School Association formed a joint committee to draft the gender equity guidelines which then became rules. Has your organization taken any other kind of activities to assure equity in Illinois schools?

Ms. BUNDY. Yes, we have a number of programs. I would like to just talk with you about a few.

Mrs. COLLINS. OK.

Ms. BUNDY. The Illinois High School Association has assisted the Illinois State Board of Education in sponsoring conferences for implementation of Title IX and the Illinois gender equity rules for school administrators, school personnel, coaches, athletic directors. The IHSA has also assisted in sponsoring coaches' clinics and conferences for coaches in the girls' sports, teaming up with the Illinois Girls' Coaches Association.

The Illinois High School Association, under State law, provides the auditor general and the Illinois State Board of Education and the General Assembly with a financial audit every year and also a report on participation figures in the girls' program and the efforts that are being made by the Association to increase opportunities for girls in athletics.

We also have an IHSA Public Liaison Advisory Committee, and members of our Board of Education and our General Assembly serve as members of that Public Liaison Committee which help to monitor all of the IHSA programs, including girls' athletic programs.

We have a liaison representative who serves on our IHSA Board of Directors from the State Board of Education, and we also, through the Illinois sex equity rules, are provided school visitations where recognition status of the schools is provided. We have standards, and all members of our Illinois High School Association have school recognition in the State of Illinois.

The IHSA also maintains an affirmative action policy for girls on boys' teams. The IHSA has, for many lawsuits, defended and maintained our separate and comparable programs for girls and boys, and we feel that our program has helped to contribute greatly to the educational goals of the secondary schools of Illinois.

Mrs. COLLINS. Does your organization in any way get into the business of equal pay for the male counterparts who are coaches in Illinois in sports?

Ms. BUNDY. Illinois gets into that in the way that Illinois is a part of promulgating the Illinois sex equity rules which call for equity in compensation to coaches, and we have been involved in support of the Illinois State Board of Education as they interpret that to mean that equal pay for equal jobs is appropriate for the coaches of the girls' sports.

Mrs. COLLINS. You spoke briefly, I believe, about some kind of review of the high schools.

Ms. BUNDY. Yes.

Mrs. COLLINS. Tell me how that works. You go to each high school in the State of Illinois?

Ms. BUNDY. Our school approval section in the Illinois State Board of Education makes periodic visits to every school in the

State of Illinois. In that visitation, they review, as a part of their visitation, whether or not the school is in compliance in all areas in the Illinois sex equity rules, including the interscholastic athletics. The IHSA has been involved in determining what kinds of materials and information those school visitors might secure in determining whether or not the school is in compliance.

Mrs. COLLINS. What happens if a school is not in compliance?

Ms. BUNDY. If a school is not in compliance, in a certain degree their recognition would be pulled and they would not receive State aid.

Mrs. COLLINS. Has any school been prevented from receiving State aid because they have not been in compliance?

Ms. BUNDY. I do know that schools have lost their recognition status. I don't know whether or not it was due to their not being in compliance with the interscholastic athletics section of Illinois' sex equity rules.

Mrs. COLLINS. How long has this review been going on?

Ms. BUNDY. This review has been going on forever in our schools as far as their recognition status, and of course we have some schools, when they lose their recognition status, then the school closes, and they consolidate or their students are annexed to other districts.

Mrs. COLLINS. Just a final question on this, and I want to make sure I heard you correctly. To your knowledge, has any school been denied State funding because they did not comply with the gender equity laws of the State of Illinois?

Ms. BUNDY. Not to my knowledge. I do not know, and we would not know because those matters are handled between the schools and the Illinois State Board of Education. I do know that in the area of interscholastic athletics it is the goal that the Illinois State Board of Education, working with the school, that the school would come into compliance, and after they have a school visitation and review, that that is included in a report to the school, and the school is told what they must do to come into compliance, and then the schools make amendments in their programs.

Mrs. COLLINS. Thank you.

Mr. Stearns.

Mr. STEARNS. Thank you.

Obviously, I want to welcome both of you, particularly Nancy Benda. It is nice to have you here, and I am just as proud as punch to hear you present the legislative history from the State of Florida. It wasn't until I got on this committee and talked to the chairwoman that I realized that Florida is in the forefront here in trying to establish gender equity in a State and is aggressively pursuing it.

If you were myself and you were the Congressperson from Florida, you have seen what Florida has done, what more do you think should be done on the Federal level to move this? because you have seen the discouragement. You mentioned every decade a new set of legislation going through here, and we just got finished talking about this 17-member commission, and we had panelists talking about 2003 and 2013. Tell me what you would do.

Ms. BENDA. Well, from a State agency we would like to say technical assistance and that sort of thing would help, but we have known that hasn't done it, and, in fact, it was Senator Kirkpatrick that said he was just tired of waiting and that he thought a big stick was necessary now, and that is why penalties were added to the Educational Equity Act for that very purpose.

I think probably we do need to be more aggressive in our monitoring and penalties for those persons who don't come into compliance.

I think it is accurate to say probably there isn't a university in this country or a community college in this country that is in full compliance, and certainly our high schools are not. There has not been aggressive enforcement from the Office for Civil Rights, and our own statute did not have the authority originally to do enforcement, and so we think that now that we have the stick in the statute and also the requirement for a plan to come into compliance by July of next year, that every one of our districts, every one of our community colleges, and all of our universities must present a plan, which means that, this current year, we are going to be gearing up to do some very comprehensive self-evaluations in all of the institutions, and those that can't build a plan, we are going to impose the stick.

Mr. STEARNS. Everyone on these panels should get one little tough question. Here is a, not tough, but a question that you could help us with. How did the college football interests react to this recent Florida legislation?

Ms. BENDA. They didn't wave flags.

Mr. STEARNS. They didn't wave flags. You and I both know how big football is at Florida State.

Ms. BENDA. And we have got three teams in the top 10, yes.

Mr. STEARNS. Without causing you any kind of major concern, do you care to comment on their reaction? Has it been accepted now?

Ms. BENDA. The task force that was created by the new law, the members are designated by statute, and included in that are two AD's from the university system, two from the community colleges, two from the high schools, two members appointed by the Senate, two members appointed by the House, and that's it; there are 11 members. So the two AD's from the universities, one is from the University of Florida, and the other is from FSU. So that kind of gives you an idea of the kind of work we have got cut out for us.

Mr. STEARNS. Ms. Bundy, have there been any cases where women were placed on men's teams if no women's team existed?

Ms. BUNDY. By women on men's teams, do you mean girls on boys' teams at the high school level?

Mr. STEARNS. Yes.

Ms. BUNDY. Yes.

Mr. STEARNS. In other words, is there a compromise here where you could say, "OK, we don't have women's sports here, but we have the opportunity for a young lady to play baseball, or a young lady to play tennis, or golf, or something like that"? So my question is, basically, has that occurred often?

Ms. BUNDY. It doesn't occur often, and we hope that it doesn't occur often, because we feel that the best interests of the girls and their programs will be met through separate girls' teams.

For example, right now in Illinois, of the 180-some schools that offer girls' golf, approximately half of them enter only individuals in our girls' State golf tournament, and they represent girls who have had to play on boys' teams during the regular season in order to have the opportunity to play golf during the regular season. We don't feel that is appropriate, and we feel that through our cooperative team effort, for example, we allow our class A, our smaller schools in the public schools, to have cooperative teams, and through cooperative teams they could have the better alternative of playing on girls' teams. For example, we have 154 schools who have already applied for cooperative teams in the girls' programs.

We also maintain the IHSA affirmative action policy for girls on boys' teams in our IHSA State series. We have done this in defense rather than to pursue additional, alternative, costly litigation in this area.

Our latest case was the Tanya Libby case where a student at Romeoville High School wanted to play on a boys' soccer team, and during the course of the proceedings our attorneys presented the fact that the school was obligated to perform a sports interest survey in their school to determine the needs and interests of girls in athletics. They were claiming that there was not sufficient interest for a girls' soccer team. So the judge in the case suspended the proceedings so that Romeoville High School could complete their survey.

They found that there were two more girls than boys at Romeoville High School who were interested in playing soccer, and the school offered two soccer teams for boys and no soccer team for girls. That year, Tanya Libby played on the boys' team in the State series under a temporary restraining order, and the school had a girls' soccer team by the next spring.

The IHSA ultimately won that lawsuit on appeal, but, as an alternative, we implemented the IHSA affirmative action policy on girls on boys' teams in our IHSA State series so that they can play on the boys' teams under certain provisions, and one of those provisions is that the school must have a letter of verification from our Illinois State Board of Education that they are in compliance with the Illinois sex equity rules.

Mr. STEARNS. Thank you. My time has expired.

Mrs. COLLINS. Mr. Ed Towns, who has shown a great deal of interest—as a matter of fact, one of the reasons why we got into this was that Mr. Towns had some legislation that he had passed because he saw the need to have these hearings.

We are glad to have you with us, Mr. Towns, as, really, the author and the beginner of these hearings on gender equity.

Mr. TOWNS. Thank you very much, Madam Chair.

I don't know whether this has been asked, but I was just concerned whether or not there is any record being kept in your State as to the amount of scholarships that females receive versus the amount of scholarships that males receive to college.

Ms. BENDA. Is that addressed to me?

Mr. TOWNS. To both of you.

Ms. BENDA. All right. Well, we can tell you the number of scholarships in our own universities, but that doesn't really answer your question, because we have lots of young women that go to universities outside of the State and young men, and that is the kind of data where this panel would be helpful, for us to be able to know where are males and females getting scholarships throughout the country.

Mr. TOWNS. Even if we could just look at your State, you are the director of the Florida Department of Education Equal Education Opportunity Program.

Ms. BENDA. Correct.

Mr. TOWNS. So even if we could look at Florida, then we could go to the other States and begin to look at just the State situation. We are not concerned about where they go but whether or not they have an opportunity to get a scholarship—in other words, the amount of boys in the State of Florida that get a scholarship versus the amount of young women in the State of Florida that get scholarships. So that is the question.

Ms. BENDA. We would be able to give that to you for our universities in the State.

Mr. TOWNS. OK.

Ms. BENDA. And, in fact, that information is included in our report.

Mr. TOWNS. Wouldn't the high schools have that information in the State of Florida? If I could be specific, say I am at XYZ High School and I have 200 students participating in athletics, 100 boys and 100 girls. At the end of the year, *X* amount of them get scholarships wherever, it could be Hawaii, it doesn't matter, but the point is that the high school itself, wouldn't it have some record of that information?

Ms. BENDA. Spotty. It depends. Dade County probably could give it to us, because they have a very strong women's sports advocacy group that monitors that for that district. The Florida High School Activities Association could give us some of the data that might be reported to them. But we don't have the data on that Statewide.

Mr. TOWNS. OK. Ms. Bundy.

Ms. BUNDY. In the State of Illinois, at the current time, we do not know how many boys receive college athletic scholarships or how many girls receive college athletic scholarships. As we planned for these proceedings, it became apparent that that would be very helpful information for us to have, and so we plan to collect that information and would be happy to share it with the committee when it is collected.

Mr. TOWNS. Thank you very much.

Let me just say, too, I think that in looking at the testimony, you indicated, and I agree with you, that the students involved in athletics stay away from some of the problems that exist, and you were able to point them out, and I must admit that, in reading it, I agree with you. If that is the case, why don't we encourage the creation of more programs that young people could be involved in, as we see how helpful it is? What is the reason, do you think, that we don't do this?

Ms. BENDA. I think, in athletics, since we looked at it from the continuum, Florida has no specific requirements for physical education in the elementary schools. Therefore, some of our schools have skills development programs that are every day; we have other schools that have a half-an-hour once a week; and, unfortunately, we still have a lot of schools that are not in compliance with Title IX in terms of co-ed physical education.

So our skills building and the interest that comes with that at the elementary level is not very good, and we begin to see the discrepancy building in the middle schools. We just don't do a very good job of promoting the benefits for our young women the way we do for our young men.

Mr. TOWNS. Thank you. I see my time has expired.

Thank you very much, Madam Chair.

Mrs. COLLINS. Mr. Pallone.

Mr. PALLONE. Thank you, Madam Chairwoman.

I really didn't have anything to add, but I also noticed—I did notice in reading the chairwoman's opening statement, and I did notice what Mr. Towns just mentioned, and that is that this isn't just an issue of gender equity. I mean, obviously, if it was that, that would be important in itself. But the fact that it is shown that the women who participate in sports are the ones that tend to stay in school, that they are the ones that don't get involved in drugs and that type of thing—I mean, obviously, if somebody is interested in the sports program, they are going to be interested in school, and we need to encourage that.

I also maintain that if the girls are interested in school and interested in studying and doing everything else, that the boys will be following them right behind to do the same thing. So I really think that that is an important thing to bring out here, even though, obviously, the issue of equity itself is important.

Thank you.

Mrs. COLLINS. Thank you.

Ms. Benda, I have just a final question. You testified that the Florida Education Equity Act includes some penalties for violating Title IX, and I wonder if you would tell us what those penalties are and how they are different from the Federal law.

Ms. BENDA. The enforcement of the Federal law comes from the Office for Civil Rights. You complain to them, and they can withhold Federal funds. I do know that no Federal funds have ever been withheld in Florida from the OCR investigations, and, in fact, the OCR investigations have not been very comprehensive in Florida.

In the State law, what we have now got is the authority to develop rules, or the mandate to develop rules, for enforcement, and it assigns this task force the role of defining what those penalties should be in rule, but the statute says that there are two penalties that must be included. One is that if you are found to be in noncompliance, that enough general revenue money can be withheld from the budget to bring the programs into equity. The second one, which is also a pretty big stick, is to declare the entire school district or the community college or the university ineligible to make application for competition types of funding programs until their athletic programs come into compliance.

Now what other ones will be addressed I'm not sure. They could be such things as, no team would be eligible to compete in regional or State competition if they are out of compliance with the Equity Act, and, incidentally, the Equity Act is, word for word, in statute the regulations of Title IX, so that we did that intentionally so that we are not putting our institutions, saying, "Well, we are in compliance here but not here" sort of thing.

Mrs. COLLINS. Thank you very much.

Mr. Stearns.

Mr. STEARNS. Madam Chairwoman, I just have one last question for Nancy.

Did the Florida legislature give you any guidance in the area of football or booster clubs?

Ms. BENDA. And that was also a big, big area. Certainly court cases have shown that football cannot be set aside. That was the big original argument. Football has to be figured into the formula, and the statute says now that, as we look at the equal funding for athletics, that moneys coming from booster clubs must be put into that formula and put into that consideration. We are going to have lots of conversation about that, I'm sure.

Mr. STEARNS. Well, I think you are making great headway here, but I would like to, obviously, see it move a little more quickly, and I want to lend encouragement to you and also thank you very much for taking your time to come up here. I am just proud to have you here.

Ms. BENDA. Thank you. I appreciate it.

Mrs. COLLINS. Let me say that I am proud to have both of you here. I just want to point out that in our bill, H.R. 921, speaking about the data that is required, each institution of higher education which participates in any program under the title, and so forth, would have to supply, again, the kind of information that you say you don't have in Florida and we know we probably don't have in Illinois, so that Mr. Towns' question could be answered very favorably if this legislation passes.

Thank you. The hearing is adjourned.

[Whereupon, at 11:53 a.m., the subcommittee was adjourned.]

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ISBN 0-16-043530-7

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